

P R E F A C E

This abridged selection of "Decisions of the Chair" has been compiled from the volumes of "Decisions", already printed, which extend from 1921 to 1950. These rulings have been selected with a view to giving a picture of the current well-settled rules of procedure in a concise form. All rulings which had become obsolete owing to a change in the rules or as a result of the coming into force of the Constitution have been excluded. The rulings which are based on special facts and lay down no general principles for future guidance have also been omitted though some rulings dealing with particular facts have been included when they clearly illustrated a principle.

2 An index is added to the publication

TABLE OF CONTENTS

	Pages	Serial No. of Rulings
ADJOURNMENT OF DEBATE	1—2	1—3
ADJOURNMENT OF THE HOUSE	2	4
ADJOURNMENT MOTIONS—	2—49	5—57
General	2—13	5—16
Postponement	13—15	17—21
Admissible	15—21	22—31
Inadmissible	21—49	32—57
AMENDMENTS (GENERAL)	50—52	58—62
ASSEMBLY CHAMBER	53—54	63—66
BILLS—	54—125	67—154
Amending	54—55	67
Appropriation Bills	55—61	68—69
General	61—74	70—78
Introduction	74—78	79—85
Scope of discussion	78—81	86—88
Amendments (General), (Scope), (Sanction)	81—97	89—116
Circulation Motions	97—101	117—122
Select Committees	101—124	123—150
Joint Committees	124	151
Third Reading	124—125	152—154
BUDGET—	125—149	155—189
General	125—129	155—163
Motions for Reduction	130—140	164—181
Excess Grants	140—141	182
Supplementary Grants	141—149	183—189
BUSINESS	149—152	190—192
CHAIRMAN	152—153	
CLOSURE	153—154	19 ¹
COMMITTEES	154—163	
CORRECTIONS		

		Page	Serial No of Rulings
DEBATE—	.	163—192	213—268
General	.	163—180	213—248
Regulation of		180—182	249—251
Interruptions of		182—183	252—253
Courtesy of		183—185	254—256
Parliamentary Etiquette (Expressions unparliamentary), (Expressions deprecated), (Expressions not considered unparliamentary), (Unparliamentary expressions), (General)		185—192	257—268
DEPUTY PRESIDENT		192	269
DIVISION		192—205	270—283
FINANCE BILL—		205—212	284—295
General		205—207	284—286
Scope of discussion		207—208	287—289
Amendments		209—211	290—294
Third Reading		211—212	295
GALLERIES OF THE HOUSE		212—214	296—299
GOVERNOR GENERAL		214—218	300—302
HALF-AN-HOUR DISCUSSION		218	303
LIST OF BUSINESS		219—221	304—306
MEMBERS		221—226	307—315
MOTIONS		226—230	316—320
NOTICES		231	321—322
OATHS		231—232	323—325
POINTS OF ORDER		232—234	326—330
PRESIDENT OF LEGISLATIVE ASSEMBLY		234—241	331—342
PRESIDENT OF INDIA		241—242	343
PRIVILEGE		242—258	344—351
QUESTIONS	.	259—289	352—415
RESOLUTIONS—		289—309	416—431
General		289—305	416—424
Amendments		305—309	425—431
SESSIONS		309	432
STATEMENTS		310—312	433—436
VOTES		312—315	437—440
VITIATION		315—316	441—443
INDIA		317—362	

DECISIONS FROM THE CHAIR 1921 TO 1950

ADJOURNMENT OF DEBATE

1 ADJOURNMENT OF DEBATE MOTION WHEN ALLOWED TO BE MOVED

During the discussion on the Cotton Excise Duty Abolition Resolution a motion was moved to adjourn the debate on the Resolution

The President while accepting the motion on this particular occasion without creating a precedent, remarked "The Chair cannot allow a motion to adjourn consideration of a proposition to be moved merely in order to enable another item of business to come forward. It must be supported on substantive grounds"—L A Deb, 20 March, 1924, p 2041

2 ADJOURNMENT OF DEBATE INTERVAL BETWEEN MOTIONS FOR DISCRETION OF CHAIR

During the discussion on the Resolution regarding reduction of Inland Postal Rates a motion for adjournment of the debate was moved and negatived. Subsequently, on the same day a motion for adjournment of the debate was again moved

The Chair observed "It was perfectly open to any Honourable Member to make any number of motions for adjournment of the debate, but it is entirely for the Chair to decide whether reasonable time has elapsed since the last motion was made"—L A Deb, 9 February, 1926, pp 959 and 971-72

3 ADJOURNMENT OF DEBATE DISCRETION OF THE CHAIR

When the further consideration of the motion to refer the Indian Arms (Amendment) Bill was resumed on 1st April, 1937, an adjournment of the debate to next Session of the Assembly was moved on the ground that the attendance in the House was very thin and that, therefore, no proper debate could take place on such an important Bill. The President ruled that the mere fact that the attendance

Adjournment of Debate—contd

in the House was very thin v'as not sufficient ground for the Chair to accept the motion for adjournment of the debate—L A Deb 1 April, 1937, p 2515

ADJOURNMENT OF THE HOUSE

4 ADJOURNMENT OF THE HOUSE. CANNOT BE MOVED BY A MEMBER DISCRETION OF CHAIR

A Member moving that the House be adjourned during the discussion of a Resolution in order to consider a certain amendment—

The President said that he could not accept the motion for adjournment of the House, because the House is adjourned by the Chair—L A Deb , 7 February. 1924, p 345

ADJOURNMENT MOTIONS

General

5 ADJOURNMENT MOTION EFFECT OF

Mr Harchandrai Vishindas asked the following question on the 12th March 1923

"(a) Will Government be pleased to state if they have forwarded to the Secretary of State for India the Motion for Adjournment passed by this Assembly on the 26th January last under rule 11, of the Indian Legislative Rules?

(b) If so, will the Government be pleased to state whether any official changes or any other action has taken place as a consequence of the passing of that motion?

(c) If not, will Government be pleased to state how effect can be given to the passing of such motions?

(d) Does a Motion for Adjournment in Indian Legislature have the same effect as one passed by the British Houses of Parliament?

(e) If not, in what direction lies the difference?"

The President answering parts (c), (d) and (e) of the question said

"Parts (c), (d) and (e) of this question strictly speaking, are not matters within the special cognisance of

Adjournment Motions, General—contd

any Member of Government, but as they relate closely to the procedure of the Legislative Assembly, I propose to answer them myself

- (c) No direct effect can be given to an Adjournment Motion of this House. The rule itself only provides a convenient method by which the ordinary business of the Assembly may be put on one side in order to make way for the discussion of some sudden emergency. The only question put from the Chair on that occasion is ‘that this House do now adjourn’. If this motion is carried, the action of the Assembly may be taken (a) as evidence of the serious view which the majority of the House takes regarding the matter, and (b) as possibly a vote of censure on Government. (d) An Adjournment Motion in the Indian Legislature has the same motive and purpose as a similar motion in the House of Commons. In the House of Commons the Government of the day might regard the passage of such a motion as evidence of such a loss of parliamentary confidence that it would have no course but to resign.

“The Honourable Member will now perhaps be able to judge for himself how far there is any specific difference between Adjournment Motions in Delhi and Westminster”—L A Deb, 12 March, 1923, pp 3229-30

6. ADJOURNMENT MOTION NOTICE TO GOVERNMENT MEMBER CONCERNED SHOULD BE GIVEN IN TIME BY MEMBER HIMSELF AND NOT THROUGH THE SECRETARIAT

On the 21st February, 1938, Mr Abdul Qaiyum sought to move the adjournment of the House to discuss the arrest of a member of the Frontier Legislative Assembly whereupon objection was taken that notice of the motion was received by the Government Member in charge ten minutes after 11 AM. Mr Abdul Qaiyum explained that he gave all the three copies to the Assembly Secretary, one copy being intended for the Member in charge. The President observed that it was not the business of the Secretary to distribute notices like that and that it ought to have been

Adjournment Motions, General—contd

sent to the Government Member by the Member himself, as was being done every day and added

"The Secretary is under no obligation to return the notice so that it may be sent to the proper person. The Honourable Member ought to know to whom the notice is to be sent. The rules require that the Honourable Member must send the notice himself. It is bound to raise all sorts of complications if the Secretary were to accept such notices for the Member of the Government concerned. The motion is out of order"—L A Deb, 21 February, 1938, pp 888-89

7 ADJOURNMENT MOTION FIXED AT 4 P.M. WHEN CLOCK STRUCK FOUR VOTING ON AN AMENDMENT WAS IN PROGRESS MOTION NOT TO BE DELAYED FURTHER THAN WAS ABSOLUTELY NECESSARY

On the 4th February, 1939, the Chan fixed an adjournment motion to be taken up at 4 p.m. A minute or two before 4 p.m. the debate on a non-official Resolution concluded by closure. When the clock struck four the voting on the first amendment was in progress. After the result of the division on this amendment was announced, the President refused to put the remaining amendments and the Resolution to vote and took up the adjournment motion.

On the next non-official day (10th February 1939) the Chan said "There is no express authority, but, on further consideration, the Chan is confirmed in its opinion that the procedure which was then adopted was perfectly correct. The adjournment motion having been fixed at 4 o'clock it would not be right to delay it any further than was absolutely necessary, and the necessity in this case arose from the fact that voting was already in progress"—L A Deb, 4 February, 1939, pp 169 and 200 and L A Deb, 10 February, 1939, p 691

8 ADJOURNMENT MOTION RIGHT OF REPLY BY MOVER

After closure had been adopted on Mr T C Goswami's adjournment motion re the hunger strike of Bengal State prisoners in Mandalay Jail, the President called upon Mr

Adjournment Motions, General—contd

T C Goswami to reply when objection was taken that he had no right of reply

The President ruled that he had and said "There is no special procedure prescribed governing the right of reply in regard to motions for adjournment. The ordinary procedure applicable to all other motions applies to motions for adjournment in the matter of the right of reply. I will therefore allow the right of reply to Mr Goswami and also to the Honourable the Home Member"—L A Deb 25 February, 1926, p 1868

9 ADJOURNMENT MOTION NOTICE MUST BE SHORT AND MUST NOT CONTAIN A DISCUSSION OF THE MATTER OF THE MOTION

A Member giving notice of an adjournment motion worded it very lengthily, whereupon the President observed

"I must first point out to the Honourable Member and the House that the notice for moving for the adjournment of the House is intended for the purpose of discussing a certain matter of definite public importance and it is not intended that in the notice itself there should be a discussion of the matter, and I must inform the House that in future if any such notice is given the Chair will not take any notice of it"—L A Deb 3 March, 1941, p 917

10 ADJOURNMENT MOTION NOTICE RECEIVED LATE WHEN ADMISSIBLE

A Member gave notice of an adjournment motion to discuss the non-consultation of India as regards international schemes for future management of exchange and international currency, etc, which was based on an announcement by Mr Churchill published in newspapers of the previous day. The member said by way of explanation for his inability to give notice in time on the previous day that he read it only at 10 o'clock on that day and tried to put it in but he was three minutes late. The President accepted the explanation and observed that the delay might have been due to circumstances which made

Adjournment Motions, General—contd

it difficult for the member to give notice before the commencement of the proceedings yesterday (The adjournment motion was however ruled out of order on the ground that it was not urgent)—L A Deb 24 March, 1943, pp 1387-89

11 ADJOURNMENT MOTION GOVERNMENT'S REPLY DISCRETION OF CHAIR TO ALLOW A SECOND SPEECH ON BEHALF OF GOVERNMENT

Soon after an adjournment motion had been moved, a suggestion was made that the Government spokesman might speak at that stage and the President supported the suggestion saying

“I have pointed out on several occasions that on a motion like this the Government Member should take an early opportunity to state his own attitude in the matter”

The Government Member said he would speak after some time when another member asked if the Government Member had two rights of speech, one in reply and one in intervention whereupon the President pointed out

“The Chair has discretion to allow a second speech to the Government Member if necessary, and if such a request is made to me I shall certainly give it my careful consideration”—L A Deb, 9 February 1945, pp 154-55

12 ADJOURNMENT MOTIONS MOTIONS RAISING SUBSTANTIALLY THE SAME QUESTIONS ALLOWED TO BE DISCUSSED TOGETHER

Notices of three adjournment motions raising separately the following matters, *viz*, (1) the failure of the Government of India to enforce economic sanctions against South Africa (ii) the failure to impose disabilities regarding travel and residence on the nationals of non-Indian origin of South Africa and (iii) the failure to recall the High Commissioner were given and after the first one had been admitted, the President observed

“On all these motions the questions raised are substantially the same *viz*, the measures that the Government of India have taken or should have

Adjournment Motions, General—contd

taken to meet the situation that has arisen in Natal in respect of Indians settled there So I will allow all the questions raised in these different motions to be discussed on this motion of Mr Lalchand Navalrai These motions all refer to the same subject matter and there cannot be different adjournment motions"—L A Deb, 9 February, 1945, pp 126-27

13 ADJOURNMENT MOTION CIRCULATION OF COPIES OF NOTICES OF NOT PRACTICABLE

On a Member suggesting the circulation of copies of notices of adjournment motions to every Member the Chairman observed

"When an adjournment motion is received on a certain day, it comes before the President the same day He reads it out There is no time to circulate it That is the procedure"—L A Deb, 23 January, 1946, p 136

14 ADJOURNMENT MOTION GOVERNMENT MEMBER ALLOWED FIRST TO MAKE A STATEMENT GIVING AUTHENTIC OFFICIAL INFORMATION, THE MOVER ALLOWED TO SPEAK NEXT

On 1st April, 1946 when the adjournment motion *re* failure of the Government of India to obtain the food quota demanded by them from the Combined Food Board was taken up at 4 PM, the President observed

"The House will now take up the Motion for adjournment Looking to the importance of the subject as also the peculiar nature of the information which is wanted, it is suggested that the Honourable the Mover, Mr Chaman Lall may just move his motion formally and instead of making a speech now may allow the Leader of the House, who is in possession of all the facts, to speak first and give the facts which will give the House the basis for the debate Then the Honourable Mover may make his speech The Honourable the Leader of the House will, of course, have an opportunity of speaking again I hope the House is agreeable to that"

The House agreed—L A Deb, 1 April 1946, pp 3313-14

Adjournment Motions, General—contd

15. ADJOURNMENT MOTION MEMBER GIVING NOTICE OF— MUST BE PRESENT TO ASK FOR LEAVE

Points of order were raised if an adjournment Motion could be taken up for grant of leave, if the member giving notice was absent. The President ruled as follows —

"When a motion of adjournment standing in the name of Sardar Mangal Singh was called on the 30th January 1946, the Honourable Member was not present and a point of order was raised as to whether the motion could be taken up for grant of leave notwithstanding the absence of the Member who had tabled the adjournment motion. I had then stated that I would consider the point and give my ruling. The same point was again raised on 4th February, 1946 in connection with a similar motion standing in the name of Pandit Govind Malaviya.

It was argued, on the wording of Standing Orders 21 and 23, that the Member's presence was not necessary at the stage of grant of leave, though it was necessary at the time the adjournment motion was actually to be moved in the House. The opposite view was also urged upon the said Standing Orders read with Standing Order 22.

The decision turns upon a proper interpretation of Standing Orders 21, 22 and 23. Standing Order 21 lays down the time of asking leave for motion of adjournment. It does not specifically mention as to who is to ask the leave, but Standing Order 22 makes it clear that the person who asks for leave must be the Member who has given notice of the motion and no other.

Standing Orders 21, 22 and 23 all deal with the subject of adjournment motions and the various stages thereof. They have to be read together as they deal with one entire subject which is divided for the sake of clarity into three parts. The first stage in the House is the time of asking leave and that is provided for by Standing Order 21. Standing Order 22 provides the condition precedent on

Adjournment Motions, General—contd

which leave to make a motion can be asked for in the House. It states that the Member asking for leave must leave with the Secretary a written statement of the matter proposed to be discussed. Therefore though Standing Order 21 does not mention as to who is to ask the leave, it is clear from Standing Order 22 that the only person who can ask for leave is the person who has left with the Secretary a written statement of the matter proposed to be discussed. Some further conditions in this respect are laid down by Rule 11 (2), but they are not relevant for the present purpose. Standing Orders 21 and 22 thus make it clear that the Member who has left with the Secretary a written statement on the matter can alone ask for leave.

Adjournment Motions, General—contd

was absent? Obviously, therefore, it means that Standing Order 23 contemplates that the Member is present in the House when the President reads the statement of the motion to the Assembly and asks whether he has the leave of the Assembly to move the adjournment. The position is made crystal clear by Standing Order 22 which recognizes no other Member but the Member who gave notice as competent to ask for leave and by Standing Order 21 which makes it compulsory to ask for leave.

In the light of what I have said above, it becomes unnecessary to consider the analogy of questions or of resolutions. As the analogies were raised, it may, however be not out of place to mention that in the case of questions, answers can be given even when the Member is absent at the request of any other Member (*vide* Standing Order 19) and in the case of resolutions, they can be moved if the absent Member has given written authority to another Member to move the resolution (*vide* Standing Order 61).

Absence of any such provision enabling absent Member to authorize any other Member to ask for leave to move an adjournment motion as in the case of ordinary resolutions as also the absence of any provision authorizing the President to put the question of leave to the House in the absence of the Member, on the analogy of the President's discretion to direct an answer to a question as provided for by Standing Order 19, also go to show that leave for an adjournment motion cannot be asked for by any person other than the Member who has given notice of the same and that, that Member and that Member alone has to remain present and ask for leave.

The reason for this difference in respect of questions and resolutions on the one hand and adjournment motions on the other is also very clear. An adjournment motion is not part of the business of

Adjournment Motions, General—contd

the House for the day, but is a method of introducing a new matter, outside the order of the day, on the ground of the urgency and importance of the matter sought to be introduced. It would, therefore be naturally expected that the Member seeking such deviation must remain present not only in token of the urgency and importance of the matter but also to ask for leave and explain to the House if necessary, the importance and urgency of the same.

In my opinion, therefore it is clear that leave for an adjournment motion cannot be asked for by any Member other than the Member who has given notice of the motion.

Apart from what I have said before, I find that the practice in the House of Commons is the same. Under their Standing Order No 8 it is the Member who submits to the Speaker in advance the terms in writing of the motion, and who is to rise to obtain the leave of the House.

It was stated during the course of arguments that it was the practice of this House to grant leave even if the Member who gives notice was absent and that the motion for leave need not be made by that Member. I do not find any support for such practice in the previous records of decisions from the Chair.

It is, however, possible to visualize circumstances in which a Member who has given notice of a motion for adjournment may not be able to remain present to ask for leave. Such cases will of course occur rarely and under exceptional circumstances. If the House so desire, it may amend the Standing Orders and provide that a Member giving notice of an adjournment motion may be permitted to authorize another Member to ask for leave on his behalf, but till such amendment is made, the procedure will be as ruled above by me"—L A Deb., 7 February, 1946, pp 599—601

Adjournment Motions, General—contd

**16 ADJOURNMENT MOTION NAME OF MEMBER GIVING NOTICE
NEED NOT BE MENTIONED BY THE SPEAKER WHEN MOTION
CONTRAVENES RULES, OR INTENDED FOR PUBLICITY**

On the 7th March, 1950 the Speaker announced the receipt of an adjournment motion but withheld the name of the Member who gave notice. When Mr Kamath asked whether it was in accordance with parliamentary convention to withhold the names of Members who gave notice of adjournment motions or something which the Speaker had decided of his own accord, the Speaker observed

"I have told hon Members several times, when such adjournment motions were given notice of, that it is not always my practice not to mention the names. Sometimes I have not mentioned the names I have not decided that I should not mention the names. But I have not come to any conclusion in this matter. After all the admissibility of an adjournment motion has to be judged on its own merits. I made two reservations last time when I had occasion to say something about the disclosure of the names. I stated that sometimes an adjournment motion is so obviously untenable that the desire for publicity is achieved by the very fact of a mention of the name of the Member giving notice of it. In such cases I shall not mention the name. When on the face of it a motion is so obviously untenable that it contravenes all rules, I do not propose to mention the name of the Member who gives notice. In other cases, as I stated last time when this point was raised, the mention of the name of the Member concerned may be likely to influence the discussion on admissibility."

During further discussion Dr Pattabhi Sitaramayya submitted that when a motion was made in the House, the motion and its author were inseparable and that the former could not have existence without the name of the proponent. Whereon the Speaker ruled

"An adjournment motion cannot be moved in this House without the previous consent of the Speaker and it is competent for the Speaker to refuse consent without reading the motion in the House"

Adjournment Motions, General—concl'd

If that is agreed to, then the other part which I have stated follows Again, for the third time, I repeat that in cases of obviously untenable motions which contravene all possible rules, I do not propose to mention them in the House, much less to mention the name of the Member That is a practice which I propose to follow" Parl Deb, Part II, 7 March, 1950, pp 1177-79

Postponement

17 ADJOURNMENT MOTION POSTPONED TO ENABLE A CERTAIN BILL BEFORE THE HOUSE TO BE FINISHED

On 23rd September, 1929, Mr Munshi desired to move an adjournment motion In this connection the President remarked "Honourable Members are aware that it is desirable and also necessary that we should get through the Sarda Bill today, and if we allow the adjournment motion to break through the ordinary business of the Assembly today, it may not be possible to finish the Sarda Bill I would, therefore, suggest to the Honourable Member whether he should not agree to take up this motion tomorrow If any objection is taken on the score of urgency, the Chair will protect the Honourable Member" Mr Munshi agreed to the course suggested by the President —L A Deb, 23 September 1929 p 1239

18 ADJOURNMENT MOTION POSTPONEMENT OF ADJOURNMENT MOTION WITHOUT PREJUDICE TO URGENCY MOTION DEFERRED UNTIL INFORMATION HAD BEEN OBTAINED BY GOVERNMENT

On Saturday, the 8th March, 1930, the President announced that he had received notice of an adjournment motion in connection with the imprisonment of Sardar Vallabhbhai Patel, but in view of the answer that had just been given to a short notice question on the same subject, suggested to the Mover that he might wait till certain in-

Adjournment Motions, Postponement—contd

- 19 ADJOURNMENT MOTION BASED ON DECISIONS OF GOVERNMENT ON A REPORT MOTION POSTPONED TO ENABLE MEMBERS TO STUDY THE REPORT**

A Member desired to move an adjournment motion in connection with the decisions of His Majesty's Government on the recommendations of the Capitation Tribunal. The report of the Tribunal was published in the papers on the previous day and a copy of the report was supplied to Members on the previous night. In these circumstances on a representation being made to the President, he suggested to the Member if he would postpone his motion, the Member agreed to this course and the motion was made on the next available day, which happened to be the first day of the next Session—L A Deb., 22 December, 1933, p 3686

- 20 ADJOURNMENT MOTION ON LAST DAY OF BUDGET WHEN TO BE TAKEN UP**

Notice of a motion for adjournment having been received on the last day of demands for grants in respect of the Railway Budget, the President observed as follows

"The motion will be taken up tomorrow at 4 o'clock as today in the afternoon the demands for grants have to be disposed of unless they are disposed of by 4 o'clock of which I do not see there is any chance"—L A Deb., 24 February, 1938, p 1104

- 21. ADJOURNMENT MOTION POSTPONED TO ENABLE A CERTAIN MOTION BEFORE THE HOUSE TO BE FINISHED**

On 6th November 1944, Bhai Palmanand gave notice of an adjournment motion to discuss the Sind Government's ban on Satyarth Prakash and leave being granted by the House, the motion was fixed by the Chair to be taken up at 4 o'clock that day. Before the House adjourned for lunch the Leader of the House Sir Sultan Ahmad represented to the Chair that in order to enable the discussion on the motion moved by the Honourable the Member for Commonwealth Relations to take into consideration the position of Indians in South and East Africa to be finished

Adjournment Motions, Postponement—contd

that day, Bhai Parmanand desired that his motion of adjournment be taken up on the following day. The President having ascertained that there was no objection on the part of any member declared that the adjournment motion would be taken up on the following day—L A Deb, 6 November, 1944, pp 264-65 and 285

Admissible

22 ADJOURNMENT MOTION MATTER OF RECENT OCCURRENCE RULE 12 (ii)

While admitting an adjournment motion sought to be moved by a Member on the 14th September, 1922, the Chair defined the scope of the word "recent" in Rule 12 (ii) of the Indian Legislative Rules, as follows

"I do not wish to give a hard and fast interpretation of the word 'recent' in the rule, but the intention of the rule is that as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes discussion thereon, he should at the first available opportunity bring it before the Assembly —L A Deb, 14 September, 1922, pp 501-03

23 ADJOURNMENT MOTION TO DISCUSS APPOINTMENT OF TRIBUNAL BY SECRETARY OF STATE RE DISTRIBUTION OF REVENUES OBJECTION THAT MATTER NOT URGENT (AS GOVERNMENT HAD TAKEN FINAL DECISION) DISALLOWED

On the 18th September, 1935, Mr Aney sought to move the adjournment of the Assembly to discuss the terms of the communiqué appointing Sir Otto Niemeyer to make an inquiry as regards the allocation of resources between the Central and Provincial Governments. Objection was taken that the Secretary of State had arrived at his final decision and that the matter was no longer urgent. The President, however, holding the motion in order, ruled

"As regards the point of order and the objection taken by the Honourable the Finance Member, the Chair is of opinion that it is not a valid one. The House is governed in this matter by the provisions contained in Rules 11 and 12 of the Indian Legislative Rules, and there can be no doubt that this is

Adjournment Motions, Admissible—contd

a matter of public importance, and it is urgent in the sense that the appointment has just now been announced. Therefore, the House is entitled to express its opinion on the question of that appointment. If the objection taken by the Honourable the Finance Member should prevail, it would preclude the House from discussing a motion for adjournment on practically any action taken by the Government which may be of very great public importance. As regards the ruling reported in L A Deb dated 18th August 1927, pages 3026—30, as a matter of fact, the motion was allowed on another ground, and the Chair does not take it as an express ruling laying down that a matter of this character cannot be a subject for discussion on a motion for adjournment. The Chair, therefore, holds that the motion is in order"—L A Deb, 18 September, 1935, pp 1194-97

24 ADJOURNMENT MOTION TO DISCUSS ARREST AND DETENTION OF PERSON UNDER ORDERS OF GOVT OF INDIA WHEN IN ORDER

An adjournment motion was sought to be moved to discuss the arrest and detention of Mr Sarat Chandra Bose under the orders of the Government of India. The Government objected on the ground that the order was passed in the ordinary administration of the law but the President, holding the motion in order, observed

"I do not think this is a case which can be said to be covered by the doctrine relating to ordinary administration of law. A question like this is analogous to cases which have been dealt with by this House on an adjournment motion relating to persons arrested under Regulation 3 of 1818. The phrase, "ordinary administration of law", I might explain to the House, refers to cases where a person is arrested or detained under an ordinary process of law, for instance, by a magistrate or any other similar authority. Here what is complained of is an act of the Government of India itself. No doubt the Government of India are acting under a certain

Adjournment Motions Admissible—contd

law All acts of the Government of India are under particular laws, for instance, the Act of 1935, from which they derive all their powers But that is no answer to a motion like this"— L A. Deb, 12 February, 1942, p 100

25 ADJOURNMENT MOTION RESTRICTION ON A CERTAIN NEWS-PAPER REGARDING PUBLICATION OF NEWS ABOUT MAHATMA GANDHI'S FAST IN ORDER

A Member sought to move an adjournment motion to discuss the "restrictions placed on the publication of the news about Mahatma Gandhi without precensorship on the *Hindustan Times*, New Delhi, by the Chief Commissioner, Delhi" Government said they had no objection to the discussion, though the matter did not seem to be of general importance The President observed that the matter was of some importance as one paper seemed to have been singled out, and added

"What I wanted to know is this this being an order as regards what a newspaper may or may not publish under the Defence of India Rules, it is very difficult for this House to discuss whether the officer concerned has exercised his discretion properly and I should certainly be very loath to admit any motion which seeks to question and discuss the judgment of any censor officer in a particular matter, but what struck me was why any one particular newspaper should be singled out for this purpose "

The motion was admitted—L A Deb, 16 February, 1943, pp 287-88

26 ADJOURNMENT MOTION TO DISCUSS SENTENCES OF MARTIAL LAW COURT IN ORDER

A Member sought to move an adjournment motion to discuss the sentence of death on and confiscation of properties of the Pir of Pagaro by a martial law court in Sind Government objected that a sentence passed by a court

Adjournment Motions, Admissible—contd

was not a proper subject for an adjournment motion, but the President ruled

"So far as the point of order is concerned, I rule that the sentence of a Martial Law Court can be the subject-matter of an adjournment motion and that it stands on a different footing in this respect from the judgment of an ordinary court"—L A Deb, 20 March, 1943, pp 1277-78

27 ADJOURNMENT MOTION TO DISCUSS PREVENTION OF PERSONS FROM TRAVELLING BY RAILWAY UNDER ORDERS OF PROVINCIAL GOVT IN ORDER

Mr Deshmukh sought to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the order of the Government to prevent the travelling of persons to stations on the Madras and Southern Mahiatta railway who want to attend the eighth annual session of the All India Kisan conference at Bezwada convened to consider the problems facing the agriculturists and the food situation in the country

The Home Member objected to the motion on the ground that no such order was passed by the Central Government and that it was entirely within the competence of the Madras Government to pass such an order, that the Government of India were not aware whether they had done so or not and that the Madras Government had powers under the Defence of India Rules to prevent any specified class of persons from travelling by railway and that could be done without reference to the Central Government

The President holding the motion in order observed, "The Railways are a central subject, and I think it is competent for a Member of this House to raise a question of this character in the Assembly"—L A Deb, 28 February, 1944, pp 659-60

28 ADJOURNMENT MOTION TO DISCUSS STOPPAGE OF RAILWAY TRAINS IN ORDER

Mr Essak Sait sought to move for the adjournment of the business of the House to discuss a definite matter of

Adjournment Motions, Admissible—contd

urgent public importance of recent occurrence, namely, "the stoppage of 71 passenger trains on the North Western Railway from 3rd February 1944, thereby upsetting the whole rural economies of the area and causing great inconvenience and hardship to the public"

The Government Member objected on the ground that temporary cancellation of trains under war conditions was not an abnormal occurrence, that it had taken place in several parts of the country at various times, that there was nothing new in this and therefore the matter was not one of urgency

The President held that the matter was urgent and one of importance and that the motion was in order—L A Deb , 9 February, 1944, p 155

29 ADJOURNMENT MOTION ALLEGED NEGLIGENCE OF RAILWAYS IN NOT PROVIDING LIGHTS IN STATIONS ETC MOTION IN ORDER

An adjournment motion was sought to be moved to discuss the negligence of the E I Railway administration in not having provided lights at Bakhtiarpur Station and allowing a certain train to run without searchlights, resulting in the deaths of some persons and the administration's failure in not instituting a public inquiry. The Government Member pointed out that a proper inquiry had been held that the deaths were due to trespass and that searchlights were provided only for the drivers' guidance. The motion was held in order—L A Deb , 2 November, 1944, pp 145-46

30 ADJOURNMENT MOTION MATTER NOT *sub-judice* UNTIL LEGAL PROCEEDINGS ACTUALLY START

On 13th February 1946, Mr Muhammad Nauman sought to move an adjournment motion *i.e.* Indiscriminate arrest of Muslim League workers and other demonstrators and wanton use of handcuffs and chains by Delhi police. The Home Member contended that the arrested persons were "being charged today in court, but the President admitted the Motion observing "if by four o'clock the legal proceedings are started, then the adjournment motion will have to be dropped"—L A Deb , 13 February 1946 pp 92-12

Adjournment Motions, Admissible—contd

31. ADJOURNMENT MOTION RAISING MORE THAN ONE SUBJECT MATTER, PART BECOMING *sub judice*, DEBATE RESTRICTED TO OTHER MATTERS NOT *sub judice*

On 13th February, 1946, Mr Muhammad Nauman sought to move an adjournment motion *re* indiscriminate arrest of Muslim League workers and others in Delhi and wanton use of handcuffs and chains by Delhi police. The President admitted the Motion and set it down for discussion at 4 P.M., when in the meanwhile legal proceedings were started against the arrested persons. The Home Member contended that the motion should be dropped. The President remarked

"I should like to have one or two points made clear. So far as the cases are said to be *sub-judice*, I have no doubt in my mind that they are *sub-judice*. Now, the other position is as regards the behaviour of the police in handcuffing and putting chains. That is what the Adjournment Motion says. As the Honourable Member has explained the only question that remains is handcuffing. I appreciate the delicacy of the discussion, but the question is, whatever the police rule may be, the House is entitled to discuss whether it is desirable in cases of this type that the police should handcuff people. That would be the principal issue and to my mind it is an important issue. For that purpose, it is not necessary to refer to this particular case of particular individuals, but it can be generally discussed as to whether in similar circumstances where there is a defiance of a particular order under Rule 56(3), whether handcuffing and chaining is a proper thing or not. That seems to me to be an important matter. I do realise the delicacy of it. The effect of the whole thing will be that the scope of discussion will be limited only to this aspect and to no other."

Adjournment Motions, Admissible—contd

would not be able to say what he ought to say on that point without prejudice to the trial of the accused

The President then observed as follows —

"As I understand the situation, the motion is now principally about handcuffing and the behaviour of the accused prior to the handcuffing. That is not going to be a matter of decision by the court, though I quite appreciate that, it may have some relevancy with reference to the sentence which the court may have in mind. It may be remotely relevant, but this matter of handcuffing practically brings before the House, to my mind, the very rule which gives the police that power and the discussion will be as regards the desirability of having such a rule, whether such a rule applies or does not apply in an individual case will be a different matter. Now that there is an opportunity, it is better that the House expresses its opinion over this. That is how I look at the proposition. The whole thing is one transaction and therefore, really speaking, I did not divide the motion into one or two parts, though in the morning I said "the second part", but I also said "matter of this motion was one transaction". The fact that there are judicial proceedings instituted restricts the scope of the adjournment motion very much"—L A Deb, 13 February, 1946, pp 958-59

Inadmissible

32. ADJOURNMENT MOTION HOUSE REFUSES LEAVE REPE-TITION OF A SUBSTANTIALLY IDENTICAL MOTION NOT IN ORDER

On the 5th November, 1940, the House refused leave for moving an adjournment motion. On the next day the Member desired to move another adjournment motion on the same subject but the President disallowed it on the ground that on the previous day the House had refused to give leave to the moving of a substantially identical motion for the adjournment of the business of the House—L A Deb 5 November, 1940, pp 71-72 and 6 November, 1940, p 149

Adjournment Motions, Inadmissible—contd.

33. ADJOURNMENT MOTION WHERE GOVERNMENT DISPUTES FACTS ALLEGED IN MOTION AUTHENTIC OFFICIAL INFORMATION NECESSARY

On the 15th October, 1936, Mr Mohan Lal Saksena sought to move the adjournment of the House to discuss the failure of the Government of India in stopping interference of the U P Government in the forthcoming provincial elections, as evidenced by the suspension of certain patwaris in the Aligarh district for attending a political meeting. The President wanted to know the specific or authentic information on which the motion was based. It was contended for the Government that the suspension was due to their absence from duty, the President allowed the Member a day to obtain authentic official information. No such information forthcoming the next day, the President ruled the motion out of order saying

“On the information that is before the House, I am not satisfied that the order of suspension on 11 patwaris and two court peons in Khairi, district Aligarh, with respect to which this adjournment motion has been tabled was passed because they had attended an election meeting as alleged. It appears from the statement of the Honourable the Home Member that his information is that these officers were suspended primarily because of neglect of duty or absence from their posts and not for attending any election meeting addressed by Pandit Jawahar Lal Nehru. It has been ruled by my predecessor in office and it has been the practice since that if a statement appearing in a newspaper is disputed by the Member of the Government or any other Member of this House then the motion for adjournment should not be allowed unless some authentic official information is available. As in this case, the best information that is available is that these men were suspended not for attending an election meeting but because of neglect of their duty. I must rule that the motion is out of order”—L A Deb 15 October 1936, pp 3203-06 and 16 October, 1936, pp 3388-89

Adjournment Motions, Inadmissible—contd

34. ADJOURNMENT MOTION GOVERNMENT DISPUTES FACTS STATED THEREIN PRESIDENT ACCEPTS GOVERNMENT'S VERSION OF FACTS UNLESS THERE IS PROOF TO THE CONTRARY

A Member desired to move the adjournment of the House to discuss the forcible occupation by the military of a Moslem *Idgah* in the Central Provinces After hearing the Government Member the President said that the Government denied the correctness of the facts stated in the motion and he had to accept Government Member's statement unless there was any proof to the contrary He, therefore, disallowed the motion —L A Deb , 19 November, 1940, pp 784-85

35 ADJOURNMENT MOTION TO DISCUSS MR MUDIE'S ENQUIRY REPORT MOTION AS FRAMED NOT SPECIFIC

On the 26th August, 1937, Mr Mohan Lal Saksena sought to move the adjournment of the Assembly to discuss Mr Mudie's Enquiry Report into the Bengal Nagpur Railway affairs and said that as copies of the report had not been supplied to all Members he would move it a few days later after copies had been supplied Government objected to the postponement of the motion to a later date and said that copies could not be supplied to all Members Objection was also taken on the ground that the notice of the motion did not mention any action of Government on the Report The President ruling the motion out of order observed

"The Honourable Member can give fresh notice of an adjournment motion covering those points, if he likes This is the first time within my knowledge that a report of an inquiry of this nature is sought to be considered by the House on an adjournment motion There is no mention of any specific recommendation which has been accepted by Government and which is considered to be wrong by the Honourable Member who has given notice of this motion, but it is a sort of moving discussion that is sought by this motion, covering the entire

Adjournment Motions, Inadmissible—contd

report I have not been supplied with any precedent for such motion and so far as I am concerned, I do not know of any I, therefore, rule that this motion is out of order At the same time, I think Government might consider whether time could not be found for the purpose of enabling the House to discuss this report"—L A Deb, 26 August, 1937, pp 611-16

36 ADJOURNMENT MOTION MOTION ADMITTED BUT NOT ALLOWED TO BE DISCUSSED AT THE APPOINTED TIME AS MATTER HAD BECOME sub-judice BY THEN

On the 24th February, 1938, a Member sought to move the adjournment of the Assembly to discuss the "molestation of an Indian girl and firing on rescuers by European soldiers in Muttra district" The President announced that unless the remaining Railway Demands were disposed of by 4 o'clock that day, the motion would be taken up the next day On the next day, when the motion was taken up at 4 o'clock the Leader of the House informed the President that the matter had become *sub-judice* as a charge sheet had been put up before the Magistrate The President thereupon ruled

"It cannot be moved under the circumstances now disclosed Yesterday I admitted the motion and directed that it should be taken up to-day as the demands for grants of the Railway Budget had to be passed To-day we are informed by the Honourable the Leader of the House that as a matter of fact the subject matter of the motion is now *sub-judice* as a charge sheet has been put up before the Magistrate in connection with the case",

and added,

"The Leader of the House has made it clear that a charge sheet has been filed and the Magistrate has taken cognisance of the case under section 190 of the Criminal Procedure Code Therefore, the matter is *sub-judice* and cannot be discussed in the House"—L A Deb 24 February, 1938, p 1104 and 25 February, 1938, pp 1220-21

Adjournment Motions, Inadmissible—contd

- 37 ADJOURNMENT MOTION TO DISCUSS THE ATTACK ON PRESIDENT BY A NEWSPAPER NOT ADMISSIBLE QUESTION OF PRIVILEGE (ASSUMING THAT IT AROSE) COULD NOT BE DISCUSSED ON A MOTION FOR ADJOURNMENT**

On 4th September, 1928, a Member sought to move the adjournment of the House in order to discuss the attack on the President by a newspaper. The Chair disallowed the motion for adjournment on the ground that under Rule 11 such motion must have some relation, directly or indirectly, to the conduct or default on the part of Government and must be in the nature of criticism of Government either for having done some action or for having omitted to do some action which was urgently necessary at the moment.

The President also observed "I go further and say that if it is the intention of the Member to raise the question of privilege—and I do not know how far the question of privilege does arise in this case—I should say at once that no discussion on a question of privilege can take place on a motion for adjournment"—L A Deb, 4 September, 1928, pp 149-54

- 38 ADJOURNMENT MOTION TO CONSIDER CONDUCT OF PRESIDENT NOT IN ORDER SUBSTANTIVE MOTION IS THE ONLY PROPER PROCEDURE FOR CONSIDERING THE CONDUCT OF PRESIDENT**

On the 11th February, 1935, Sir Muhammad Yakub sought to move an adjournment of the Assembly to discuss conduct of the President of the Legislative Assembly in conducting debate during the discussion of the Joint Parliamentary Committee Report. The President following the parliamentary practice of the House of Commons, ruled this motion out of order and said "there can be no doubt that if the conduct of the Chair is to be debated in this House with reference to any proceedings then in that case the only proper way of doing it is by means of a substantive motion to which an amendment can be moved and on which a distinct vote can be taken"—L A Deb 11 February, 1935, pp 625-28

Adjournment Motions, Inadmissible—contd

39 ADJOURNMENT MOTION ORDER PASSED BY PRESIDENT CANNOT FORM SUBJECT MATTER OF

On the 8th October, 1936, Mr S K D Palival sought to move the adjournment of the House to discuss the cancellation of the Press Gallery Pass of the correspondent of the *Amrita Bazar Patrika*, but the President disallowed the motion and ruled

"The Honourable Member is wholly unjustified in bringing up this motion. The Honourable Member knows very well that an order passed by the President in the exercise of his duties cannot be brought up on a motion for adjournment. He is a Member of the House and he ought to know it. The motion is disallowed"—L A Deb, 8 October, 1936, pp 2664-65

40 ADJOURNMENT MOTION BASED ON GOVERNMENT'S REFUSAL TO ANSWER CERTAIN QUESTIONS NOT ADMISSIBLE

On the 12th August, 1938, Mr Satyamurti sought to move an adjournment motion in order to discuss the attitude of the Government as disclosed in their answers to certain supplementary questions that they will not ordinarily answer certain questions even on points of fact. The motion was disallowed by the President and he observed as follows

"To the best of my recollection I have always noticed that Government in certain cases refused to disclose the nature of any communication that has passed between the Secretary of State and the Government of India or even to say whether they were consulted or not. As I have pointed out on the 9th, it is a matter which it is impossible for the Chair to pronounce any opinion on, whether in a particular case the Government is or is not justified in saying that they will not give any information whether they were consulted by the Secretary of State or the Local Government in any particular matter, much less to disclose the nature of the communications. I must lay down again that this matter is entirely concluded by the previous rulings here and the rulings in Parliament as well as

Adjournment Motions, Inadmissible—contd

the practice that has grown up in this country'—
L A Deb, 12 August, 1938, pp 386-89

41 ADJOURNMENT MOTION CANNOT BE MOVED ON MATTERS ENTAILING LEGISLATION

On 4th September, 1935, Pandit G B Pant sought to move the adjournment of the House to discuss the refusal of the Government to grant protection to glass industry in spite of the recommendation of the Tariff Board to that effect. The President pointed out that protection could not be ordinarily granted except by means of legislation and motions for the adjournment of the House entailing legislation could not be discussed. He therefore ruled that the motion was not in order (Vide May's Parliamentary Practice, pp 249 and 309)—L A Deb 4 September, 1935, pp 343-47

42 ADJOURNMENT MOTION TO CENSURE GOVERNMENT FOR NOT INTRODUCING PARTICULAR LEGISLATION NOT IN ORDER

On the 23rd March, 1936, Sardar Sant Singh sought to move the adjournment of the House to discuss the unsatisfactory reply of Government re the introduction of necessary legislation about republication in the press of speeches in the Assembly. Objection was taken on the ground that it was outside the power of the Indian Legislature to amend section 67 of the Government of India Act and that the matter of the motion was not a matter for discussion by an adjournment of the House. The President agreeing ruled

"I have no hesitation in disallowing this motion. If a motion for adjournment could be moved for a purpose of this character the result would be that any Honourable Member, who wants any legislation to be effected, has only to move an adjournment of the House with the consequence that the proceedings of this House would be obstructed. I find also from the report of the Parlia-

Adjournment Motions, Inadmissible—contd

mentary Debates 1918, volume 108, July 8th—July 26th, at page 1339, the Speaker says

'I have been looking further into the question, and have come to the conclusion that I could not accept a Motion to move the Adjournment of the House in order to call attention to the fact that the Government have not produced a particular Bill in which it is possible that group of forty Members or more might be interested because, if I were to do so, it would open a door which might be pushed at by any group of forty Members on almost any day in the Session and if any group of Members desired to raise a particular topic in which they were interested, all they would have to do would be to move the Adjournment of the House in order to discuss that particular topic. I am sure that the Rule was never meant to apply in that way'"—
L A Deb, 23 March, 1936, pp 3057-59

43 ADJOURNMENT MOTION TO DISCUSS DELAY IN PUBLISHING TARIFF BOARD REPORT NOT ADMISSIBLE IN VIEW OF PRACTICE TO PUBLISH SUCH REPORT WITH THE CONCLUSIONS OF GOVERNMENT THEREON

On the 9th August, 1938, Mr Satyamurti sought to move the adjournment of the Assembly to discuss "the inordinate delay on the part of the Government in publishing the Sugar Tariff Board Report in spite of constant requests by Indian public and commercial bodies" The Commerce Member pointed out that the usual practice was to publish Tariff Board Reports setting out what action Government proposed to take thereon and that in this case there had been no departure from previous practice

Mr Satyamurti said his object was to upset the present practice but the President ruling the motion out of order remarked

"I understand that the practice has always been to publish such a report along with the opinion of the Government. Mr Satyamurti contends that this is wrong and that the proper practice ought to be to publish the report first, so that the public

Adjournment Motions, Inadmissible—contd

may be able to pronounce upon it. This may be a perfectly legitimate demand on the part of Mr Satyamurti and others who think alike with him on this matter, but the practice being what it has been described to be by the Honourable the Leader of the House I do not think the proper procedure to upset it is by means of a motion for adjournment. It ought to be done by a Resolution or in some other way. I, therefore, rule it out of order'—L A Deb., 9 August, 1938 pp 196-98

44 ADJOURNMENT MOTION TO DISCUSS REFUSAL OF GOVERNMENT TO TAKE ACTION IN RATE WAR BETWEEN CERTAIN COMPANIES IN HAJ TRAFFIC MOTION NOT IN ORDER AS GOVERNMENT HAD NO OBLIGATION TO INTERFERE

Sir Abdul Halim Ghuznavi sought to move the adjournment of the House to discuss the refusal of Government to take any action in the matter of the rate war between certain companies in the Haj traffic, whereupon the President pointed out that there was no obligation on the part of the Government to interfere in a dispute of that nature between two industrial concerns and the motion was therefore out of order—L A Deb., 5 September, 1938, pp 1582-83

45 ADJOURNMENT MOTION MATTER TO BE DEFINITE MUST BE STATED SPECIFICALLY IN NOTICE OF MOTION

Maulvi Abdul Ghani sought to move an adjournment motion to discuss "the giving of wrong information to the House by the Food Member and also his refusal to verify the incorrectness of the information" in reply to certain questions answered two days previously. The President pointed out

"The Honourable Member has not given in his notice the information which he says is incorrect, and therefore the basis on which he wishes to move the adjournment of the business of the House is wanting. If any Honourable Member wishes to move an adjournment motion on the basis of a statement by any Member of the Government, he

Adjournment Motions, Inadmissible—contd

must set out either the statement in full or at least give a substance of the statement Otherwise it could not be a definite matter as required by the Rules to discuss which the House should be adjourned Therefore on that ground alone the motion is out of order But as a serious charge has been made against a Member of this House, I believe the House would want to be satisfied if Honourable the Government Member did in fact attempt to mislead the Assembly by supplying wrong information ”

The Food Member then explained his position, and the President thereupon ruled

“This motion is out of order on the ground that it does not specify, as required by the rules and Standing Orders and as I have laid down, more than once, the statement which is stated to be incorrect otherwise it would be impossible for Members of the House and the Government Member concerned to understand the position The rules require that the motion must relate to a definite matter of urgent public importance The Government Member’s replies to the supplementaries cover three pages in addition to the table of figures laid on the table of the House

On the merits, I must hold that no justification whatever has been shown for moving a motion of this kind The Honourable Government Member stated quite clearly that he had derived his entire information from the Provincial Government and he laid that information on the table and it has not been shown at all that it is incorrect in any particular

The motion is disallowed”—L A Deb, 6 April, 1945,
pp 2658-70

46 ADJOURNMENT MOTION MATTER NOT URGENT AS IT WOULD SHORTLY COME UNDER DISCUSSION DURING THE BUDGET DEBATE

A Member sought to move an adjournment motion to discuss the question of the provision by the Government

Adjournment Motions, Inadmissible—contd

of India of Rupee finance for the Governments of the United Nations leading to a chronic state of inflation in the country owing to the issue of huge numbers of currency notes, it was pointed out for Government that the policy behind the matter would come under discussion naturally at budget time and that the matter was not urgent. The President agreeing ruled

"I rule that the matter is not urgent and that it is a matter which will be discussed shortly during the Budget debate I declare the motion out of order"—L A Deb, 15 February, 1943, pp 212-13

47 ADJOURNMENT MOTION MATTER ALREADY DISCUSSED CANNOT BE RAISED UNLESS ANYTHING NEW HAS CROPPED UP

A Member sought to move an adjournment motion to discuss the failure to assure termination of services of the United Kingdom Commercial Corporation with the termination of the war, but the President remarked that "this question was discussed before and nothing new has cropped up since the last session" and ruled the motion out of order—L A Deb. 1 November, 1944, p 63

48 ADJOURNMENT MOTION DISALLOWED FACTS MENTIONED DO NOT JUSTIFY ALLEGATIONS IN

Mr Lalchand Navalrai sought to move the adjournment of the House to discuss a collision on the North Western Railway, alleging criminal negligence on the part of the Railway After the Government Member had explained the facts of the case, the President remarked

"The unfortunate accident occurred on the Railway in Sind resulting in loss of life, but as I have pointed out before that is not a good ground in itself for adjourning the business of the Assembly There must be facts forthcoming to make out a *prima facie* case for holding the Railway authorities or the Government of India responsible for the accident There is a general allegation that there was criminal negligence on the part of the Railway, but the facts available so far do not bear this out The Honourable Railway Member has

Adjournment Motions, Inadmissible—contd

promised to appraise the House of all the facts
 "The adjournment motion is disallowed"—L A Deb , 23 March, 1945, pp 1960-61

49 ADJOURNMENT MOTION MUST NOT ANTICIPATE A RESOLUTION WHICH IS LIKELY TO BE REACHED ON THE NEXT RESOLUTION DAY RULE 12(IV)

Mr Joshi sought to move the adjournment of the House to discuss the inadequate action as regards release of political prisoners It was pointed out for the Government that there was a Resolution down for discussion on the same subject on another day The President said that Rule 12 (iv) was imperative and remarked —

"Notice has been given and the Resolution has been drawn by ballot Of course, no one can be certain but there is a probability that it may be reached I therefore disallow the motion as being out of order"—L A Deb 14 February, 1942, pp 170-72
 (See also L A Deb , 12 February 1942, pp 102-05, L A Deb , 27 July 1943, pp 85-86 and L A Deb , 14 February 1942, pp 175-77)

Note —The Standing Order of the House of Commons on this point which was referred to by the Chair in his ruling contained in L A Deb , 6 February, 1933, pp 239-240 runs as follows —

"In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr Speaker to the probability of the matter anticipated being brought before the House within a reasonable time —(House of Commons Standing Order 9)

50 ADJOURNMENT MOTION ACTION TAKEN BY AUTHORITY IN DUF ADJOURNMENT OF LAW CANNOT BE SUBJECT OF

On the 22nd February, 1941, a member sought to move the adjournment of the Assembly to discuss the arrest of a candidate for the Central Assembly The Home Member

Adjournment Motions, Inadmissible—contd

said he had no information about the matter but it appeared that the action had been taken by the Provincial Government under its own powers The President disallowing the motion remarked —

“This Assembly is not a tribunal for trying these cases, it is the magistrates and the judges who have got to try such cases, and it has been repeatedly laid down in this House and in the Parliament that with regard to any act done by any authority in the due course of the administration of the law—whatever the law is—the matter cannot be discussed on an adjournment motion Therefore, the motion is disallowed”—L A Deb, 22 February, 1941, pp 539-40 [See also L A Deb, 3 March, 1941, pp 917-18 & L A Deb, 5 March, 1941, p 1023]

51 ADJOURNMENT MOTION NOT IN ORDER WHERE THERE IS A RIGHT OF APPEAL TO THE HIGH COURT

A Member sought to move the adjournment of the Assembly to discuss the forfeiture of security of the *Hindustan*, a daily Hindi newspaper of Delhi, for writing a certain article, whereupon the President observed

“I understand that the Editor or the Manager has a right of appeal to the High Court If that is so, the matter will have to take the ordinary course of law ”

and ruled the motion out of order—L A Deb, 27 July, 1943, pp 82-83

52 ADJOURNMENT MOTION TO DISCUSS WIDE QUESTION OF POLICY NOT IN ORDER

A Member sought to move an adjournment motion to discuss the transport policy of the Government of India as disclosed in a certain letter of the Railway Board about running of goods services by railways in competition with private services, the Government pointed out that there was no intention to create any monopoly for the railways and that there was nothing new, and that the

Adjournment Motions, Inadmissible—contd

Assembly would have an opportunity to discuss post-war policy in the matter. The President pointed out

'The motion raised a wide question of policy and the facts stated by the Honourable War Transport Member show that the matter cannot be discussed properly on an adjournment motion and the House will have an opportunity to discuss it later',

and ruled the motion out of order—L A Deb, 2 November, 1944, pp 142-43

53. ADJOURNMENT MOTION SUBJECT MATTER SHOULD HAVE FACTUAL BASIS

On the 27th February 1950, the Speaker announcing that he had received notice of an adjournment motion regarding "the concentration of Pakistan Armed Forces on the borders of the district of Purnea in the State of Bihar" asked the Leader of the House (the hon Shri Jawaharlal Nehru) as to what he had to say on the motion. The Leader of the House informed the Speaker that so far as the Government were concerned they had no such information and that they attached no importance whatever to press reports in this regard. The Speaker then ruled

"Under the circumstances there appears to be no factual basis for further consideration whether the motion is admissible or not. Government have given the facts as they are and when they say that there is no basis for this, I must accept the statement of the hon the Leader of the House that the newspaper reports are incorrect'

The motion was ruled out—Par Deb, Part II 27 February 1950, pp 929-30

54 ADJOURNMENT MOTION ARREST OF A MEMBER UNDER THE ORDINARY LAW OF THE LAND DOES NOT TANTAMOUNT TO BREACH OF PRIVILEGE NOR CAN BE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION

On the 28th February 1950 the Speaker informed the House that he had received the following two adjournment motions viz

(1) "The extrernment from Delhi District of an hon Member of the Indian Parliament, Prof Shibban

Adjournment Motions, Inadmissible—contd

Lal Saksena, for three months, under Section 4 of the East Punjab Public Safety Act, 1949, as applied to the State of Delhi by the District Magistrate of Delhi, while the Parliament is in session, thereby infringing the basic privilege of Members of Parliament”

- (2) “The removal of Shri Shibban Lal Saksena, a Member of Parliament from Delhi under the provisions of the East Punjab Public Safety Act, 1947, and his interdiction from returning to Delhi District without the permission of the District Magistrate of Delhi, in pursuance of order dated the 28th February, 1950, under the said Act”

As his preliminary remarks to the subsequent discussion the Speaker observed

“One of the motions raises the question of privileges of the Members of this House and in that respect

I may point out that, a similar question arose here, in this House on the 28th January 1948, a question of privileges in the case of a Member who was arrested confined or detained was raised by an hon Member, Mr Kamath, and there I made the following observations

“ All I can say just at present is that every Member of this House is subject to ordinary law and if he has done anything which deserves his arrest or necessitates it”

of course detention included

“I do not think that in view of the fact of his being a Member of this Assembly we can make him free from all laws of the country and give him full licence’

Adjournment Motions, Inadmissible—contd

citizen and the executive Government will be presumed to be acting within the authority vested in them by this very House in pursuance of a law enacted by it”

Continuing the Speaker laid down

“Unless there is breach of privilege, mere arrest is not a definite matter of urgent public importance to justify the admission of this adjournment motion”

During the course of the discussion on the facts of the motions the hon Home Minister pointed out that the exterrnent order on Shri Shiban Lal Saksena had been cancelled and that he was free to return to Delhi. The Speaker finally ruled out the motions on the following ground

“There is no element of urgency now, even if the order was very improper and should not have been passed on a Member of the House who was fasting at a particular place. In view of the fact that the order does not survive there is no urgency now for a discussion of the matter. Therefore I extremely regret that I cannot align myself with those hon Members who feel that I should give them an opportunity to discuss this matter as an adjournment motion. Under the rules and the precedents it is not admissible.” Par Deb, Part II, 28 February, 1950 pp 971-81

55 ADJOURNMENT MOTION TO DISCUSS THE ESCAPE OF MIR LAIK ALI FROM HYDERABAD STATE—NOT ALLOWED AS THE MATTER RELATED TO LAW AND ORDER A STATE SUBJECT AND ALSO AS IT WAS NOT URGENT

On the 7th March 1950 Mr Kamath sought to move an adjournment motion to discuss the escape from custody of Mir Laik Ali from the Hyderabad State. On the question of admissibility of the adjournment motion from the constitutional standpoint there was a prolonged discussion which was continued on the 8th and 14th after which the Speaker before giving his ruling gave a further opportunity to the Members who might like to bring any more points to mind written statements to him. On the 21st

Adjournment Motions, Inadmissible—contd

March 1950, holding that it was a matter in respect of which no adjournment motion was admissible, the Speaker gave the following ruling

"Mr H V Kamath gave notice on the 7th March 1950, of a motion for the adjournment of the business of Parliament for the purposes of discussing, as he stated, a definite matter of urgent public importance, namely

'The failure of Government to ensure the safe custody of Mir Laik Ali of Hyderabad'

The matter was undoubtedly definite and one of importance I had, however, doubts about its urgency, as understood in the cases of adjournment motions, in view of the opportunities which hon Members were going to have in a short time to discuss this matter, if otherwise admissible, on the Demands for Grants due to come up soon before the House. The Members would also have a further chance of discussing the matter, if admissible on the Appropriation Bill, as also on the Finance Bill. It also appeared to me that 'the failure to ensure custody' whosoever may be responsible for it, was regrettable.

In the absence of factual information as to whether Mir Laik Ali was in custody under the orders of the Government of India, or under the orders of the Hyderabad Government, in pursuance of any directions from the Government of India, I called upon the hon the Home Minister to enlighten me on the facts of the case, and I also obtained factual information about the authority by whom and the law under which the arrest was ordered.

It appears from what was stated by the hon the Home Minister that the Hyderabad Government is a fully autonomous State, with His Exalted Highness the Nizam as the Rajpramukh who, with his Council of Ministers constituted the legislative as well as the executive authority of the State. Mr Lai^{ck} Ali was under house arrest under the Hyder

Adjournment Motions, Inadmissible—contd

Public Safety and Public Interest Regulations by the order of one, Mr Patro, Inspector-General of Police of the Hyderabad State. The services of the Chief Minister and the Home Minister, who were in the service of the Government of India, were lent to the Hyderabad Government at their request and they were appointed to their respective offices by the Firman of His Exalted Highness the Nizam. They were thus, for all purposes relevant to the present issue, servants of the Nizam and responsible to him. The matter was thus one of law and order in the Hyderabad State, which was a State subject, and therefore Mir Laik Ali's arrest and escape are the concern of the internal administration of the Hyderabad State.

The position so stated by the hon the Home Minister was supported by the hon the Law Minister also.

In the course of arguments on the question of admissibility of the motion two points were made

- (1) In view of the fact that there was no popular legislature in the State of Hyderabad, this Parliament had jurisdiction in the matter on the analogy of the British Parliament exercising jurisdiction, when the Constitution was under suspension under Section 93 of the Government of India Act, 1935, and
- (ii) in any case, this Parliament had jurisdiction in the matter on account of the provisions of Article 371 of the Constitution which places every State specified in Part B 'under the general control' of the President and provides that each State 'shall comply with such particular directions as may from time to time be given by' him.

As the arguments proceeded, the emphasis on the first point was reduced and the case was placed substantially on the provisions of Article 371.

Adjournment Motions, Inadmissible—contd.

The analogy of the British Parliament taking cognizance of questions relating to India at the time of the Section 93 Regime, is not to my mind applicable in principle. Section 93 brought into existence an irresponsible Government as a consequence of the breakdown of the Constitution. This is entirely different from the situation contemplated by Article 371. Under Section 93 the Provincial Governor could not issue a Proclamation without the concurrence of the Governor-General, and it was because of the fact of this concurrence as also the other provisions which placed both the Governor-General and the Governor under the Secretary of State that the responsibility to the British Parliament was complete. In the present case there is no question of the Government of Hyderabad functioning because of any breakdown of the Constitution, or as a result of any emergency, on the occurrence of which the administration of the State would be completely under the President in all respects. Under the Constitution the Hyderabad State is functioning as an autonomous State in respect of all matters to which its executive and legislative authority extends, and it is not contended that the present case does not fall under the subject of law and order which is a State subject.

The British Prime Minister Mr Chamberlain, in his reply dated the 17th June 1937 (325 H C Deb 5s, C 552—57) to a question by Mr Churchill on the subject of 'Questions with reference to India', enunciated the following principles to co-ordinate the autonomy of Indian Provinces with the responsibility of or to the British Parliament:

- (i) In so far as Ministers are responsible to the Provincial Legislature, it would be entirely inappropriate if Parliament were to call in question or to criticise by questions and answers, their policies and activities, and
- (ii) the broad general principle underlying the process of questions and answers in the House of Commons is that a question should

Adjournment Motions, Inadmissible—contd

not be put to a Minister unless he is responsible for the subject-matter and is in a position to intervene and to secure that a particular line of action is either taken or abandoned

He further stated that questions ought not to be regarded as in order unless it can be shown that the action at issue was taken by the Governor without consulting his Ministers, or against their advice, or, alternatively, that the Governor was in possession of powers applicable to the case, which in fact he failed to exercise

After stating thus broadly the position, he further stated that even this right as so defined, ought to be used with discretion and restraint

Reliance is placed on those words of Article 371, which provides that every State specified in Part B of the First Schedule 'shall be under the general control of and comply with such particular directions, if any, as may from time to time, be given by, the President'

There is a difference of opinion expressed on the floor of the House, as to the real meaning and scope of these words. It is urged on the one hand that these words cast a duty on the State to suffer the control and comply with the directions of the President, but cast no obligation on the Government of India to exercise control or to give directions, and therefore it is urged that the matter would be within the jurisdiction of the House only in cases where the Government of India does anything in exercise of the power of control or gives any directions

On the other hand, it is urged that the Article, in so far as it gives the power of general control and giving of directions, casts on the Government of India the duty of exercising control and giving

Adjournment Motions, Inadmissible—contd

directions in all appropriate cases. It is a well-known canon of interpretation that wherever power is vested, it also includes the duty of exercising that power in appropriate cases, and therefore the provisions of Article 371 also include failure to exercise the power by the Government of India as the power of general control and giving directions is intended for the benefit of States in Part B. To me, this argument seems to be sound, and I am of the view that Article 371 will also cover cases of failure to exercise general control or to give directions and this House will thus be within its rights in raising any question on the ground of any alleged failure to exercise control or to give directions. Of course, in such cases we shall have always to bear in mind Mr Chamberlain's dictum that this right ought to be used with 'discretion and restraint' and that Government must also exercise careful discretion as to the extent to which it is expedient in any given cases to supply information about facts and events in a state included in Part B of the First Schedule. Such discretion is necessary to fulfil our desire that self-government in States should foster and work well, and this is not possible unless, to quote Mr Chamberlain again, 'We in this House frankly recognise the distribution of responsibilities.'

Adjournment Motions, Inadmissible—contd

In this connection it would be useful to see the intention of having Article 371 in the Constitution, as explained in the Constituent Assembly on the 12th of October 1949, by the Hon'ble Sardar Patel, when the said Article was introduced in its final form He said

'The problems relating to the integration of the States and the change-over from an autocratic to a democratic order are such as to test the mettle of long established administrations and experienced leaders of people We have therefore found it necessary that, in the interest of the growth of democratic institutions in these States, no less than the requirements of administrative efficiency, the Government of India should exercise general supervision over the Governments of the States till such time as it may be necessary'

He further said

'It is natural that a provision of this nature which treats States in Part B differently from Part A States should cause some misgivings I wish to assure the Hon'ble Members representing these States and through them the people of these States that the provision involves no censure of any Government It merely provides for contingencies which, in view of the present conditions are more likely to arise in Part B States than in the States of other categories We do not wish to interfere with the day-to-day administration of any of the States We are ourselves most anxious that the people of the States should learn by experience This Article is essentially in the nature of a safety valve to obviate recourse to drastic remedies such as the provisions for the breakdown of the constitutional machinery'

Adjournment Motions, Inadmissible—contd

This will explain the two-fold aims

- (1) The discharge of responsibility for the purposes of the change-over from an autocratic to a democratic order in the interest of the States and
- (2) The desire not to interfere with the day-to-day administration of any of the States

As stated by the Hon'ble Sardar Patel, the Article is essentially in the nature of a safety valve to obviate recourse to drastic remedies. It will thus be clear that the objective and approach as we find in Article 371 of the Constitution is entirely different from those in Section 93 of the Government of India Act 1935, and therefore the spirit of interpretation will have to be different.

Though therefore it would be open to Members of Parliament in appropriate cases not only to put questions but raise discussion on matters relating to the administration of States in Part B on the ground that there has been failure on the part of the Government to exercise general control, or to give particular directions such occasions will be of rare occurrence. Obviously, each case will depend upon its own facts and merits as to whether a question could be asked or discussion raised in that particular case. It is impossible nor is it necessary, to lay down a general rule defining all the circumstances or conditions in which a question could be asked or discussion raised. It is enough to say that such occasions will be very rare.

Because Mir Laik Ali's house arrest was described as preventive detention, an argument is advanced by some that as such detention falls under the Concurrent List of Legislative Powers, the Government of India have both power and responsibility in the matter. This plea proceeds on a wrong understanding that the power to legislate vests the Centre with executive authority also in respect of

Adjournment Motions, Inadmissible—contd

every subject mentioned in the Concurrent List It is obvious that no such executive authority can exist unless there is legislation, and in the present case the detention had not taken place under any law passed by Parliament vesting any authority in the Government of India

'The question for decision on the present motion has a very limited scope It is 'Whether on the facts of the present case, a discussion could be raised by means of the procedure of an Adjournment Motion

I need not go into the history of this form of procedure of Adjournment Motions It is enough to state that in old days in the British House of Commons, any member could move the adjournment of the House for the discussion of any public matter There were no limitations The result was that such motions began to come in almost every day, and it was not possible to attend adequately to the business of the House as set down on the Order Paper, even in cases where such business was of a very important character It was in the light of this experience that limitations began to be put on the moving of adjournment motions and the existing limitations requiring the matter to be 'definite, urgent and of public importance' came to be imposed Further limitations about the consent of the Speaker, as also the necessity of obtaining the leave of the House came in with the object of securing the minimum interference in the daily business before the House the scope of the motion being limited only to urgent matters—the urgency being of such a nature that the matter sought to be raised required precedence for discussion over the other matters before the House The tendency has been more and more to restrict the admission of such motions in the interest of the general parliamentary work, which has very much increased and requires longer time and attention of the Members to put it through

Adjournment Motions, Inadmissible—contd

The test of urgency visualised in respect of adjournment motions is best expressed in the old dictum of Mr Speaker Peel in the House of Commons. He said 'What I think was contemplated was the occurrence of some sudden emergency either in home or foreign affairs.' The crucial test always is as to whether the question proposed to be raised has arisen suddenly and created an emergent situation of such a character that there is a *prima facie* case of urgency and the House must therefore leave aside all other business and take up the consideration of the urgent matter at the appointed hour. The urgency must be of such a character that the matter really brooks no delay and should be discussed on the same day that notice has been given.

We have therefore to 'see' as to whether the escape of Mir Laik Ali has created such an emergent situation. Whatever its importance and whatever its further implications the question in considering the admissibility of an adjournment motion is whether an emergent situation of such a character is created that the House must leave aside all business on the Order Paper. A desire or even a necessity of discussion can be easily appreciated but the point is whether that discussion must have precedence over the other business of the House. That would be one of the tests for judging the admissibility of the motion.

During the process of evolution of this procedure in the House of Commons, the admission of an adjournment motion is a matter of more and more rare occurrence. During the period 1921–39 the annual average of such motions admitted by the Speaker was 15. The usual practice is that it is put down by the Opposition when any emergent situation arises. Adjournment Motions are usually taken as Censure Motions but not absolutely. This view was also stated by Sir Frederick Whyte President of the late Legislative Assembly so far back as the 12th March, 1923 (L.A. Deb 12

Adjournment Motions, Inadmissible—contd

March 1923, pp 3229-30) He said that 'if an adjournment motion is carried, the action of the Assembly may be taken (a) as evidence of the serious view which the majority of the House takes regarding the matter and (b) as possibly a vote of censure on the Government'

Successive Presidents of the Central Legislative Assembly including myself had considerably relaxed the rule of admission, as it prevailed in the House of Commons for the obvious reason that private members who were in opposition, had few opportunities of discussing matters of public importance They were in perpetual political opposition to the Government of India and the general political set-up of those days always induced the Presidents to relax the rule to give more scope for discussion and expression of the popular views They had in this matter the general support of the Legislature The Government then was not responsible to the Legislature, nor were they amenable to its control There was therefore, good ground for the presiding officers to relax the strict House of Commons practice and allow opportunities of admission of all important questions on adjournment motions

Since 15th August 1947, the entire constitutional and political set-up has changed The Ministry is fully responsible to this House and Members have now ample opportunities of discussing various matters They can discuss matters on Demands for Grants and again during discussions on the Appropriation Bill and the Finance Bill The Government being responsive time can be had by a pressing request made to Government I may cite as an illustration the desire of the Government to allot time for discussion on the question of security to East Bengal Refugees They can put short notice questions and get information They have now got a new rule for half an hour discussion They can give notice of a motion for raising discussion on a matter of general public interest under Rule 126

Adjournment Motions, Inadmissible—contd

matter is one of internal administration and, therefore, not a direct responsibility of the Government of India. In any case, it is a matter in respect of which, on the reasoning that I have given before, no adjournment motion is admissible.

I am thankful to the Hon'ble Members who participated in the debate on the Motion for the help they gave in elucidating the various points of view from which this question could be approached. I am also thankful to the Hon'ble Members who were good enough to send to me in writing their views on the question. It is not necessary here to refer to and reply to every argument advanced by these gentlemen. I need only say that I have gone through each and every argument advanced and considered it very carefully—Par Deb., Part II, 7 March, 1950, pp 1177-85, 8 March 1950 pp 1233-45 14 March, 1950, pp 1505-15 and 21 March 1950, pp 1889-95.

56 ADJOURNMENT MOTION MATTER MUST BE OF SUFFICIENT IMPORTANCE

On the 7th August 1950 Shri Shibban Lal Saxena and Shri Deshbandhu Gupta sought to move an almost identical adjournment motion of the three days strike of 10,000 Tongawalas of the Delhi Tongawalas' Union consequent on the alleged failure of the Government to supply gram to Tongawalas. In support of the admissibility of the motion Shri Deshbandhu Gupta urged that Delhi being a centrally administered area, had no other forum for the expression of their grievances on a matter like this.

Ruling the two adjournment motions out of order, the Speaker observed,

I have already explained *in extenso*, in this House when I gave my ruling on the adjournment motion relating to the escape of Mir Laik Ali, the grounds on which adjournment motions should be tabled and would be admissible. I do not think the present matter is of such importance, in the whole set-up now, or is of such urgency as will

Sma

Adjournment Motions, Admissible—concl'd

justify giving my consent to this adjournment motion

I agree entirely that it is a very important matter so far as Delhi city is concerned, but the hon Member should remember that Parliament is sitting here for doing business for the entire country and for considering various very important questions one of which relates to the Bengal situation So the importance has to be judged relatively and not absolutely and not from the point of view of the convenience of Delhi citizens

The matter certainly is an urgent matter but it has to be of importance and there I have said that the matter is not of such importance as to warrant an adjournment of the House. Apart from that the hon Member himself has tabled a short notice question which is going to be answered tomorrow That is one remedy If he is not satisfied with the information given he has another remedy namely the half-hour discussion Thus adjournment motion is not the only way there are a number of ways —Pai Deb Part II 7 August 1950 Cols 393-95

57 ADJOURNMENT MOTION (S) POLICY CONTINUED FROM DAY TO DAY CANNOT BE SUBJECT-MATTER OF

On the 15th November, 1950, Prof Shibanlal Saksena sought to move an adjournment motion on the prohibition of cane-crushing by the use of *Kolhus* in certain areas of the Uttar Pradesh to which the Speaker refused to give his consent on the ground that the motion was neither important from the point of view of all-India importance nor even urgency, though he observed it could form the basis of a discussion Shri Tyagi contended that it was not merely the content of the motion that should be taken into consideration but the policy of the Government which could be discussed or criticised through an adjournment motion The Speaker ruled.

"A policy which is continuing from day to day cannot be the subject-matter of an adjournment motion"—Pai Deb, Part II, 15 November 1950 Col 18-20

501, 2, para 2, 4, 10, 11, 12

*AMENDMENTS (GENERAL)

58 AMENDMENTS PROCEDURE DISCRETION OF CHAIR TO SELECT AMENDMENTS AND TO DECIDE ORDER IN WHICH THEY SHOULD BE TAKEN UP

On a request—being made to the Chair to state the procedure relating to the disposal of amendments, the President stated "No Honourable Member can claim to speak as a matter of right on the ground that he has an amendment on the paper. It is in the discretion of the Chair in what order and how many amendments should be taken up for discussion at a time. The Chair is under no obligation to call upon any Member who has an amendment on the paper. It is the duty of the Member to rise and get such explanation as he wants in regard to his amendment"—L A Deb, 9 September, 1925, pp 1013-15

59 AMENDMENTS: - MEMBER SPEAKS TO ORIGINAL MOTION WITHOUT MOVING AMENDMENT CANNOT MOVE AMENDMENTS SUBSEQUENTLY

A Member, after having spoken to the original motion, gave notice of an amendment

The President ruled the amendment out of order and said "I desire to inform Honourable Members that the recognized parliamentary practice is that, when a Member speaks to the original motion without moving any amendment and resumes his seat, he is not entitled at any further stage to rise to move an amendment, and that practice I am bound to follow"—L A Deb, 17 September, 1929, p 965

60 AMENDMENTS CHAIR NOT BOUND TO PUT AMENDMENTS TO THE HOUSE IN THE ORDER IN WHICH NOTICES WERE GIVEN:

On the conclusion of the debate on the Joint Parliamentary Committee's report on Indian Constitutional Reforms, the President proceeded to put the amendment of Mr Bhulabhai Desai to the House whereupon Bhai Parmanand claimed that as he had given notice of his amendment first his amendment should have precedence over others and should be put first, whereupon the President pointed out

*See also 'Bills', 'Finance Bill', 'Resolutions', 'Withdrawal'

Amendments (General)—contd

"The Chair is not bound by the order in which these amendments are given notice of As Mr Desai's party has given notice of this amendment—and that party is the Official Opposition in this House—the Chair, in its discretion, thinks that it will be in the interests of ascertaining the sense of the House better if that question is put first"—L A Deb, 7 February, 1935, pp 567-68

61 AMENDMENTS PRACTICE OF TABLEING AMENDMENTS AS DEBATE PROCEEDS FROM DAY TO DAY TO BE ALLOWED IN THE DISCRETION OF THE CHAIR

On the Motion *re* Food Situation, finding that a number of amendments were tabled after the debate had proceeded for a number of days, the President observed —

"About these amendments which have been tabled very recently. I should like to invite Honourable Members' attention to the practice of tabling amendments as the debate proceeds from day to day I do not like to insist upon notice—I am prepared to waive notice in the interests of having a better debate, but the general practice should be that amendments should not be coming in as the debate goes on Of course, if there be an agreed amendment then certainly it may be brought in at any time But the great disadvantage of tabling amendments as the debate proceeds is, to my mind, that injustice is done to Members who have already taken part in the debate They have expressed their views and they lose the opportunity of expressing their views again over amendments that come in later Today, I am allowing all these amendments without taking any objection as to notice being given, but I trust Members will help me by not tabling amendments as the debate proceeds I may repeat again, that if necessary, agreed amendments may certainly come in, there is no objection to them"

After the above observations were made, a Member pointed out that when a debate proceeds in a real and live

Amendments (General)—continued

manner occasion may arise for the tabling of an amendment and hence strict adherence to the rules might fetter the discretion of the Chair, whereupon the President further remarked—

"My observations of course do not exclude or do away with the authority of the Chair to allow amendments which are really necessary for the purposes of the debate. But it is better if the proposition is duly considered before, that amendments are not coming in as the debate develops. It may be necessary in certain cases, but it will be a mistake for the discretion of the Chair. I am just giving a general rule. I would now request Honourable Members to move these amendments and then they will speak, so that the debate will proceed on the assumption that all the amendments are before the House —L A Deb 5 February 1946, p 511

62 AMENDMENTS—STAGE FOR MOVING—MUST BE MOVED IMMEDIATELY AFTER CLAUSE IS PLACED BEFORE THE HOUSE—IF NOT MOVED AT THAT STAGE, IT CANNOT BE MOVED WHEN THE QUESTION IS ABOUT TO BE PUT AFTER THE GENERAL DISCUSSION ON THE CLAUSE

On the 10th March, 1950 during the Second Reading of a certain Bill, the Deputy-Speaker, according to the usual practice, had placed clause 2 before the House and enquired if anyone wished to move amendments. No one came forward to move amendments, but Dr Deshmukh wanted to speak generally on the clause and he was given the opportunity. Thereafter, when the clause was about to be put to vote Shri Kamath got up to move an amendment, on the ground that an amendment can be moved at any time before the clause is put to vote. The Deputy-Speaker did not allow the amendment and explained that the stage for moving amendments was after he had placed the clause before the House and before the general discussion began. Once no one moved his amendment at that stage, only the general discussion might follow or the clause might be put to vote but no amendments could be moved—Par Deb., Part II, 10 March, 1950, pp 1364-65

ASSEMBLY CHAMBER

63 ASSEMBLY CHAMBER CIRCULATION OF PAMPHLETS WITHIN THE CHAMBER IMPROPER

A certain pamphlet having been placed on the tables of Members in the Assembly a Member asked whether it had been placed with the permission of the Chair

The President remarked "Papers can only be circulated here by the order of the Chair. It is improper to use this Chamber as a means of circulation anything in the shape of propaganda not strictly and officially connected with the business of the Assembly"—L A Deb, 14 September, 1922, p 505

64 ASSEMBLY CHAMBER PRODUCTION OF EXHIBITS

During the debate on the Indian Tariff (Amendment) Bill a Member brought certain exhibits for display in the House when objection was raised that it was not in order to exhibit such goods

The President observed "The Chair would like to announce that it strongly deprecates the practice of producing exhibits on the floor of the House. The Chair does not propose to allow this practice in future. The Chair did not want to prevent the Honourable Member from doing so before giving due notice"—L A Deb, 15 February 1934 pp 848-50

65 ASSEMBLY CHAMBER DISPLAY OF FLAGS OR EMBLEMS WITHIN THE

On 2nd April 1937, when the Leader of the House noticed certain flags on the Benches in the Assembly Chamber, he drew attention of the Chair to the display of those flags and wanted his decision whether they should not be removed from the Chamber

The Leader of the Opposition urged that any person was entitled to come to the Chamber in any dress he liked and represent any emblem he liked

The President ruled "As regards dress the Chair entirely agrees with the Leader of the Opposition and if Members stick anything on to their dress

Assembly Chamber—contd

the Chair would have no objection But no flags should be placed on the table”

After these observations, Members on the Congress Benches then pinned the flags on their coats, when the President observed

The Chair has nothing more to say”—L A Deb, 2 April, 1937, p 2553

66 ASSEMBLY PRECINCTS USE OF NEITHER CHAMBER NOR ROOMS CAN BE USED FOR ANY BUSINESS OTHER THAN THAT OF THE HOUSE WITHOUT THE PREVIOUS SANCTION OF THE PRESIDENT

On the conclusion of the business on 23rd September 1921 the President in ruling that the Chamber building could not be used for any business other than that of the House without the sanction of the President, said

“I have received notice from the Secretary that an invitation has been issued, without his authority or that of the President, to a meeting in one of the rooms of this building to-morrow Neither this Chamber nor any of the rooms in this building, can be used for any purpose beyond those for which they were designed without the permission of the President It is improper to summon meetings of this kind without the express consent of the Chair I have no intention of using my powers to stand in the way of the meeting which it is proposed to hold to-morrow but I wish it to be clearly understood that there is no discretion in the matter for Honourable Members to ask or not to ask anyone outside this House to enjoy the hospitality of this building without the previous sanction of the President”—L A Deb, 23 September, 1921, p 975

BILLS

Amending

67 BILLS AMENDING BILLS—DISCUSSION RE SECTIONS OF THE PARENT ACT WHICH ARE NOT SOUGHT TO BE AMENDED—OUT OF ORDER

On the 9th August 1950 during the debate on the Bill to amend the Preventive Detention Act, 1950, [*vis-a-vis*

Bills Amending—contd

Section 14 of the said Act having been declared ultra vires of the Constitution by the Supreme Court, an hon Member supporting the amending Bill drew the attention of the House to the very definite and categorical observations made by two judges of the Supreme Court regarding Section 12 of the Preventive Detention Act 1950 as he felt that this Section also should have been amended in the light of their observations.

The Speaker ruled

"He has sufficiently made the point that the scope of the Bill should have been more comprehensive than it actually is. But as a matter of fact, this Bill is intended to repeal only Section 14. So it would be beyond the scope of the present Bill, if the hon Member were to go into those details as to what then Lordships said in regard to Section 12."

"I am more concerned with the relevancy of the debate and I think it is beyond the scope of the present measure to quote anything from their Lordships' judgement in regard to Section 12.—Par Deb Part II 9 August 1950 Cols 625-27

Appropriation Bills

68 APPROPRIATION BILL PRESENTATION OF BUDGET IN TWO COMPARTMENTS

During the discussion on the Appropriation Bill on the 24th March 1950 Shri Biswanath Das in raising a point of order referred to Articles 110 112 113 and 114 of the Constitution and stated that there could be only one Bill in respect of the Consolidated Fund which is called the Consolidated Fund of India. The Railway Budget could be a part of a financial statement. In terms of the Constitution, the two financial statements two Consolidated Funds and two Appropriation Bills were not contemplated.

In terms of Article 390 of the Constitution, all that they could have was a separate financial arrangement for the sixty-five days that they had to go on with after the Declaration of Independence. Whatever the differences with regard to the construction of Article 390, there could be no doubt that the Railways of India could not have a separate existence with a separate income, with a separate Approp-

Bills, Appropriation Bills—contd

financial affairs as it likes, so long as it does not offend the fundamentals of the Constitution

The hon Member himself has stated that Article 390 does not apply. He also pointed out the analogy of Article 115 about excess payments and other things. That also shows that there can be not only a further stage, but also further compartments of the expenditure. That supports the argument that the House can split its Budget in two parts.

As regards the Government of India Act, I might only say that those provisions the hon Member referred to never came into force in India. It was a Federal provision. Therefore that analogy will not apply. I might also state that the language of the Constitution is taken from Section 35 of the Government of India Act, 1935, if I mistake not.

We have already passed the stage of considering this point of order when we discussed the Budget in two compartments. We took up the Railway Budget first and then the General Budget. We are now committed to that procedure. It is perfectly competent for us to change that. But I do not think any further argument on this point is necessary.

I may also refer to Rule 134 which distinctly provides that the Budget can be presented in two parts. I do not rely on this rule, because it is always open to argument that the rule is inconsistent with the Constitution and therefore has not got the force of law as against the Constitution. I am merely mentioning it in passing.—Par Deb., Part II, 24 March 1950 pp 2064-67

69 APPROPRIATION BILL SCOPE OF DISCUSSION

On the 24th March 1950, the Speaker ruled as follows with regard to the scope of discussion on the Appropriation Bill—

"As the provisions in the Constitution set out the procedure in financial matters on the lines of the procedure in the House of Commons I think it is necessary to state in short, the principles underlying those provisions as the procedure therein laid down is in some respects different from the procedure hitherto followed. This I trust will enable hon Members to appreciate the scope of discussion on the Appropriation Bills."

Bills, Appropriation Bills—contd

It is hardly necessary to state that, in the case of a large-scale and country-wide administration, there can hardly ever be too much of parliamentary control on Government expenditure. The administration being in charge of numerous individuals it is difficult, almost impossible, for every spending authority to have an overall picture of the financial burden on the tax-payer and consequently, any urge for economy. At the same time, it is necessary to vest fairly wide discretion in those to whom the administration is entrusted. Parliamentary control over finances is, to put it shortly, intended for the purpose of attaining maximum efficiency at the minimum cost to the tax-payer. It essentially means a thorough scrutiny of the accounts with a view to avoid waste and suggest ways and means for economy consistent with efficiency and the needs of the State in respect of all branches of its activities.

Hitherto, there was no such thing as the Consolidated Fund of India. The Consolidated Fund has been constituted by Article 266 as a reservoir in which all collections by way of taxes, etc., shall be first accumulated, and thereafter, the moneys required for expenditure are to be taken out from that reservoir. The Appropriation Bill is intended as an outlet machinery for the funds accumulated to flow for the purposes of expenditure.

Hitherto, on the passing of the Demands for Grants, a Schedule of authorised expenditure, signed by the Governor-General under Section 35 of the Government of India Act, 1935 was laid on the Table and no expenditure from the revenues of India was deemed to be duly authorised unless it was specified in the Schedule. It is obvious that the procedure outlined in Section 35 of the Government of India Act 1935, was not in accord with the Provisions in our Constitution, and it is now necessary that Parliament itself should by Statute provide for appropriation out of the Consolidated Fund of India of all moneys required to meet the grants made by Parliament and the expenditure charged on the Consolidated Fund. The Appropriation Bills thus provide the Government with the necessary statutory authority to draw from the Consolidated Fund.

Bills, Appropriation Bills—contd

We have therefore two Bills before us

- (1) for appropriation of funds for all activities of Government other than the Railways, and
- (2) for similar appropriation on account of Railways

In view of the fact that all Demands specified in the Schedules to the two Bills have been passed by Parliament, the Appropriation Bills, may, in a sense, be said to be a formal legislation to give a statutory form to the decisions of the House in respect of the various Demands for Grants both on account of the General Budget and the Railway Budget. Though the Bills are thus formal, they are yet important as a further opportunity which they give to hon. Members of making suggestions and comments on the activities of Government in respect of the various heads under which the moneys are being authorised to be drawn from the Consolidated Fund.

At this stage, I may state to the House the various opportunities it has of criticising and discussing the finances of the Government.

- (i) After the Budget is presented the first opportunity is afforded in the form of a general discussion of the Budget under Rule 132. This discussion is limited to the Budget as a whole or any question of principle involved therein. This determines the character of the discussion at that stage.
- (ii) The second opportunity presents itself when the Demands for Grants are made and Cut Motions on Demands can be moved. The discussions at this stage are limited to each head of the Demand and where Cut Motions are moved they are still further limited to the particular subject in respect of which the Cut Motion is moved. The discussion at this stage is more pointed both as regards the particular head of administration as also the particular points of grievances or criticism as in the Cut Motion. The object is to enable the hon. Members to focus attention on specific points instead of having a vague or diffused discussion.

Bills, Appropriation Bills—contd

- (iii) A third opportunity of discussion on the finance is presented when the Finance Bill is before the House. It is an acknowledged principle that any subject can be discussed on the Finance Bill and any grievance ventilated the principle being that the citizen should not be called upon to pay, unless he is given, through Parliament the fullest latitude of representing his views and conveying his grievances.
- (iv) The fourth opportunity is when the Appropriation Bill is before the House.

It is difficult to lay down precise boundaries of the sphere of discussion between the stage of discussion on Demands for Grants and the Cut Motions and the stage of the Appropriation Bill. It is, to a large extent, inevitable that the same kind of discussion can be raised on matters of administration as can be done when the Demands and Cut Motions are before the House. A clear-cut distinction exists as between the Finance Bill in so far as taxation proposals go on the one hand and the Appropriation Bill on the other. Apart from the wide latitude in discussion on the Finance Bill so as to cover the entire field of administration, there is a specific issue therein consisting of the taxation proposals which can be discussed only on the Finance Bill.

Honourable Members will therefore see that when the Appropriation Bills are considered it will not be permissible to raise discussion on the taxation proposals. The discussion can cover any matter of public importance or of administrative policy implied in the Grants and the expenditure charged on the Consolidated Fund, in so far as the same is permitted under the Constitution and the Rules of Procedure, questions of effecting economy improvement in administration, scrutiny and maintenance of proper accounts, reappropriation etc—in fact, generally all matters in respect of which the House would like to point out defects or give directions to the administration for improving its tone for better service to the people, better efficiency and better economy.

I have merely tried to give the general outline, and the specific points mentioned by me should be taken as illus-

Bills, Appropriation Bills—concl'd

trations of what I mean I trust this clarifies to hon Members the scope of discussion'—Par Deb, 24 March, 1950, pp 2061-63

General

- 70 BILLS AUTHORIZATION MEMBER IN CHARGE OF A BILL CANNOT AUTHORIZE ANOTHER MEMBER TO PROCEED WITH IT ON HIS BEHALF**

On the 25th March 1922, a Member rose to move a motion standing in the name of another Member in respect of a Bill, saying he had written authorization from the latter

The President ruled that there was no provision in the rules which would enable the Member in charge of a Bill to authorize another Member to proceed with it on his behalf—L A Deb, 25 March, 1922, p 3701

- 71 BILLS SANCTION OF GOVERNOR GENERAL UNDER SECTION 299(3), GOVERNMENT OF INDIA ACT, 1935 REQUIREMENT OF SANCTION ATTACHES ONLY TO THE INTRODUCTION OF BILLS OR TO MOVING OF AMENDMENTS**

When the Manœuvres, Field Firing and Artillery Practice Bill was introduced, it then received the previous sanction of the Governor General under the old Government of India Act which was in force at the time and it was, therefore, validly introduced Subsequently when a motion for consideration of the Bill, as reported by the Select Committee was moved, the Government of India Act, 1935, had come into force and an objection was taken that the Bill required the previous sanction of the Governor General under section 299(3) of the new Act and that such sanction had not been obtained

Assuming that the Bill modified rights of ownership in land, the President ruled that the word "introduced" in section 299(3) referred to Bill and the word "moved" referred to amendments, and according to this interpretation there was no question at this stage, when the motion was made for consideration of the Bill as reported by the Select Committee, obtaining the sanction of the Governor General under section 299(3)—L A Deb, 6 October, 1955 pp 3125-34

Bills, General—contd

- 72 BILLS PASSED BY THE COUNCIL OF STATE SANCTION OF GOVERNOR GENERAL POINT REGARDING SANCTION OF GOVERNOR GENERAL CANNOT BE TAKEN IN THE ASSEMBLY IF THE BILL HAS BEEN PASSED WITHOUT SUCH OBJECTION IN THE COUNCIL**

On Sir Hari Singh Gour rising to make his motion regarding the Succession Certificate (Amendment) Bill, Mr C V Visvanatha Sastri objected, saying that the Bill, being a fiscal Bill, ought to have been sanctioned by the Governor General before introduction in the Council of State.

The President ruled "That is a point on which the Government of India in the Legislative Department must, as far as I am aware, have necessarily satisfied themselves before allowing the measure to proceed in the other place. I do not know whether the point was taken, and therefore I do not know what my Honourable colleague the President of the Council of State may have said upon it. In so far as the measure has been passed by the Council of State without being objected to by the Member of Government, which he would have done if sanction had to be given and had not been given, I have nothing to pronounce upon that matter here"—L A Deb, 18 March, 1925, p 2631

- 73 BILLS PUBLICATION IN OFFICIAL GAZETTE DOES NOT DISPENSE WITH OBLIGATION TO MAKE COPIES AVAILABLE TO MEMBERS STANDING ORDER 38(1) READ WITH STANDING ORDER 12**

On the 6th September, 1928, when the Home Member rose to move that the Public Safety Bill be taken into consideration, a Member objected to the motion being made on that day on the ground that copies of the Bill had not been "made available" to Members for three days before the 6th September

After some discussion, the President ruled "I am clearly of opinion that the publication of a Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members. That expression has a special meaning

Bills, General—contd.

attached to it by the Standing Orders, and in the absence of any directions by the President as to the manner in which a Bill is to be deposited and the place at which it is to be deposited—directions which should have been taken and carried out—I am afraid I must hold that the copies of the Bill have not been made available to Honourable Members three days prior to its consideration I therefore rule that this motion cannot be made today unless the Standing Orders are suspended As no request has been pressed in that behalf, it is not necessary for the Chair to consider that point"—L A Deb, 6 September, 1928, pp 299—305

74 BILLS ARGUMENT AS DISTINCT FROM A POINT OF ORDER THAT BILL IS *ultra vires* OF THE LEGISLATURE CAN BE ADVANCED AT ANY STAGE

On the motion to take into consideration Mr Lalchand Navalrai's Land Acquisition (Amendment) Bill, the Government Member in opposing the motion argued that the subject matter of the Bill fell clearly within the exclusive Provincial List of the Government of India Act of 1935 and that it was therefore useless to proceed further with the Bill Mr Aney raised the point whether that was the proper time to raise the question of the jurisdiction of the House, though the point was not raised as a point of order by the Government The President thereupon observed

"The question raised by Mr Aney is whether this is the proper time for urging the argument that has been advanced by the Leader of the House that the Bill would not achieve the object desired by the Mover even if it is passed, because the measure is not within the competence of this House and, therefore, it would be held by proper courts to be *ultra vires* of this Legislature I think that is the gist of the argument advanced by the Leader of the House Now, Mr Aney asks me to say whether it is not too late for the Honourable the Leader of the House to use such argument I suppose he means that it ought to have been urged at an earlier stage, that is, at the time of the introduction of the Bill I am not aware of any rule or proce-

Bills, General—contd

dure or any practice which requires that the argument that a legislative measure is beyond the competence of this Legislature ought to be urged at any particular stage. The motion was quite in order as it appears in the List and it is for any Member of the House to advance any relevant argument why this motion for consideration should not be adopted by the House and that is exactly what the Leader of the House has done on this occasion. I see no reason whatever why there should be any difficulty in the way of any member trying to induce the House by such argument to reject a motion by which the House is asked to take the bill into consideration", * * * *

No objection had been taken to the motion on a point of order. Only certain arguments have been advanced'

The motion was then put to the vote in the ordinary course —L A Deb., 13 February, 1941, pp 191-93

75 BILLS COMPETENCE OF LEGISLATIVE ASSEMBLY TO ENTERTAIN LEGISLATION ON SUBJECTS IN THE FEDERAL LIST NOT FOR CHAIR TO DECIDE

During the discussion on the Multi-Unit Co-operative Societies Bill Mr K C Neogy raised a point of order as to the jurisdiction of the Legislative Assembly on subjects mentioned in the Federal and Provincial Legislative lists in the Government of India Act 1935, whereupon the President observed

"This question whether the Chair will take cognisance of a point like this as a point of order, has been raised before. Although I have not yet given any considered ruling on the point, I have come to the conclusion after very careful consideration of the subject, that this really is not a matter which can be or should be dealt with by the Chair on a point of order. A point of order generally speaking, relates to matters which concern the proper conduct of the proceedings of the House. The question whether the Assembly is competent to entertain a certain proposal for legislation is one of great importance, and, in my opinion, it is for the House

Bills, General—contd.

to come to a conclusion on that point, as well as other points submitted to the House on the question whether the Bill should be passed or not I think Honourable Members will fully realise that a question relating to the Legislative Competence of the Assembly which may often involve much difficulty and complexity should not be summarily settled by the Chair on a point of order In fact, the Federal Court has been established for the very purpose of dealing with these questions and the Chair has really not the facilities or the time and the material on which to come to a satisfactory conclusion on a point of this character so as to be able to hold finally whether the Assembly should or should not consider the particular legislative proposal I, therefore, hold that this is not a question which should be settled by a ruling of the Chair on a point of order I shall consider whether I ought not to give more detailed reasons for the conclusion I have arrived at ”

and on the 25th March 1942, stated his reasons more fully in the following words —

“On the 17th February, 1942, I ruled that the question raised by Mr K C Neogy, whether the Indian Legislative Assembly was competent to entertain a legislative proposal in the form of a Bill relating to a certain class of multi-unit co-operative societies, was not one which could be properly dealt with by the Chair on a point of order under Rule 15 I think, however, that I ought to state my reasons more fully in support of this conclusion, as it is contrary to the practice which has hitherto prevailed in this Assembly, though it is difficult to say how it originated, as I am not aware of any considered ruling on the subject Its origin could not be imputed to anything in British Parliamentary practice, for no question of the legislative competence of the British Parliament in any matter can arise, as it virtually enjoys unrestricted law-making authority acquired through assertion over a long period of years supported by the will of

Bills, General—contd.

the people. However, the practice arose, it has now become incumbent on the Chair to reconsider the entire position, having in regard the scheme of the Act of 1935 purporting to create autonomous provinces with the legislative spheres of the Central and the Provincial Legislatures, definitely demarcated in Lists I, II and III and the establishment of the Federal Court for obtaining authoritative decisions on questions relating to the proper interpretation of the Act, as affecting the extent of the authority of the Central and Provincial Legislatures. Any one, who has the least conception of the difficulties and complexities involved in determining the exact scope and limitation of the various subjects entered in these Lists, will realise that such a function can be best discharged by learned judges sitting in a court of law after hearing the arguments of learned lawyers and taking into consideration previous decisions in analogous cases. If the President of the Assembly were to attempt to discharge such duties himself, he would find that the Assembly could not be turned into a court of law for such time as would be necessary for the purpose, without serious detriment to the progress of public business. Such a state of things, it may be presumed, could not have been contemplated by those responsible for the framing of the Rules and Standing Orders for regulating the conduct of the business of the Legislature.

Rule 15, which lays down that a President shall decide all points of order as they arise and that his decision shall be final also says that while a Member may, at any time, submit a point of order, he shall confine himself to stating the point. This limitation might well be taken to suggest that the questions that may be raised on a point of order could not have been intended to include important questions of law of a far-reaching character relating to the interpretation of the Government of India Act. The President's responsibility, in fact, is to see that the business of the House is conducted in an orderly manner and in accordance with the Rules and

Bills, General—contd

Standing Orders and that if any Member thinks that the proceedings are not being so conducted in any respect, he is given the right to draw the attention of the Chair to the matter on a point of order and obtain his ruling as promptly as possible so that the proceedings may go on without further difficulty.

But it is the sole privilege and duty of the House to decide every "question" that arises on a motion moved by a Member. In the case of a Bill all motions, including amendments relating thereto from the stage of introduction until it is ultimately adopted or rejected have to be decided upon by the House on questions put by the Chair, the duty of the Chair, generally speaking, being to exclude from the consideration of the House all matters which are irrelevant or beyond the scope of the motion under consideration or which should not be introduced or admitted because the requirements of any special procedure prescribed in the Government of India Act or the Rules and Standing Orders of the Assembly have not been complied with. Rule 17A indeed emphasises that the President shall not refuse to put or delay the putting of the question on such a motion that is a motion relating to a Bill, unless the putting of such question is expressly prohibited or directly precluded by any provision of the Government of India Act, the Rules or the Standing Order.

The questions that have to be put by the Chair at the different stages of a Bill for its disposal are familiar to every Member and all those questions are decided by the Members voting "Aye" or "No". The Chair has no voice in the matter except that when there is an equality of votes he is to give his casting vote. The members vote one way or the other for any reasons that appeal to them best and have not to assign any reason for their votes.

Section 100 of the Government of India Act, 1935, ¹¹⁵₁₁₂ down that the Legislative Assembly has ^{the} power to make laws with reference to ^{any} _{any}

Bills, General—contd

subjects There can be no doubt that this warning is addressed to the Assembly which has the power to make laws under the Government of India Act, and not to the President who has no such power If it were otherwise, it would mean that the occupant of the Chair for the time being, whether he be the President or the Deputy President or a Chairman, has the authority to lay down finally that the Assembly may make certain laws and may not make certain other laws which *prima facie* is an untenable proposition Supposing the Chair's decision be against a particular legislative proposal, not only will the Assembly be debarred altogether from considering it but even the Federal Court would not be in a position to interfere On the other hand, if the Assembly itself rejects a Bill on whatever ground, it will be open to the Government or a non-official Member, as the case may be, to approach the Assembly again in the matter subject to fulfilment of the conditions laid down in that behalf by the Rules and Standing Orders

Now let us look at the position from a practical point of view So far as Government measures, which form the bulk and the most important part of the Legislative business which the Assembly has to deal with, are concerned, the Assembly would naturally rely upon the Government not to put forward a Bill or an amendment unless their law officers were satisfied that the Assembly was competent to make such a law In the case of a non-official Bill or amendment, though there may be no such guarantee, there will always be the Law Officers of the Government and other lawyers to advise the House whether a certain legislative proposal is or is not within the competence of the Legislative Assembly The President, if he thinks fit, may also under Standing Order 32, address the Assembly on the subject in order to help the House in its deliberations but whatever views he may so choose to express will not be binding on the House not being a decision on a point of order under Rule 15

Bills, General—contd.

I may mention that on inquiry made from Canada and Australia (*vide Legislative Assembly Debates*, 25th February, 1938, pages 1157—59) it appeared that the Speakers of those Legislatures do entertain questions of competence on a point of order and give their rulings but it is competent for the House to dissent from the Speakers' ruling. Our rules, however, do not admit of dissent by the House from a ruling of the Chair and the practice in this connection as prevalent in the Canadian and Australian Legislatures is, therefore, unsuited to the Indian Legislative Assembly"—L A Deb, 17 February, 1942, pp 280—83, & L A Deb, 25 March, 1942 pp 1533—54

76 BILL(S) (AMENDING) SCOPE OF DISCUSSION LIMITED

When the motion to refer the Bill to amend the Indian Insurance Act, 1938, to a Select Committee was under discussion, Pandit Govind Malaviya enquired whether a general debate will be permitted on the entire principles involved in the Insurance Act and about other matters relating to insurance in this country, the President ruled

"As I look upon the matter, it seems to me that the principle of the Act of 1938 is not a matter under discussion under the present Bill. This is an amending Bill. That fact must be remembered. Therefore the scope of the discussion will be limited only to the amendments proposed

"In the case of an amending Bill, the scope of discussion will have to be limited to that Bill and that Bill alone and not the original Act or legislation which this Bill seeks to amend. If the other point were conceded, then at the time of even a minor amendment of any Act the whole legislation will be open to the House"

Mr Manu Subedar urged that there were special circumstances attaching to this Bill in so far as there was a comprehensive Insurance Bill introduced in the last session but which could not be completed owing to the dissolution of the Assembly. The Government had now chosen to pick

Bills, General—contd.

out some of the points of that composite Bill and omitted others and therefore the House was entitled to criticise the Government for the omissions and to seek an assurance that the omitted portions would be introduced in a second Bill. The President, then, observed as follows —

"This raises a different point altogether. At present the point under consideration raised by the Honourable Member, Pandit Govind Malaviya, in his point of order is as to the scope of the discussion on this motion and I was stating my views with reference to that point. If the House is dissatisfied about the course the legislation has been taking, it is perfectly open to the House to reject the particular motion that is brought before it as matter of protest or to get an assurance from the Government, as the Hon'ble Member, Mr Manu Subedar, has pointed out. But that would be a matter altogether different from entering into the merits of the old legislation. What I am at present concerned with is just to define the scope of the discussion and, to my mind, it is very clear that in an amending Bill the scope of discussion will not be the principles involved in the original piece of legislation. The discussion will be only as regards the points which are included in the amending Bill, pointing out the lacunae, making suggestions for additions and all that sort of thing will be within the scope of the discussion. But if it is sought by the Honourable Member's point of order to raise a general discussion again on the principles of insurance or the principles on which the Act of 1938 was enacted, to my mind, such a discussion will be outside the scope of the present motion"—L A Deb, 8 February, 1946, pp 709-10

77 BILLS WHETHER *ultra vires* NOT FOR CHAIR TO DECIDE

On 9th December, 1947, during the discussion of a certain Bill, a point was raised whether the Bill was *ultra vires*. Mr Speaker observed that the usual practice of the Chair was not to take upon itself the responsibility of deciding whether any particular Bill was *ultra vires* and not to kill

Bills, General—contd

any Bill on that ground —C A (Leg) Deb, 9 December, 1947, p 1568

(Vide Ruling No 75 on pages 64—69)

78 BILLS REPEAL OF STATE LAWS IN THE CONCURRENT FIELD BY PARLIAMENT IN CONSONANCE WITH ARTICLE 254 OF THE CONSTITUTION ACT

On the 20th November, 1950, the Minister of State for Rehabilitation moved for consideration of the Bill to amend the Administration of Evacuee Property Act 1950 to repeal the Hyderabad Regulation on Evacuee Property and also to validate the acts done thereunder

Shri J R Kapoor contended *inter alia* that there was no justification for the Bill, in view of the fact that under section 3 of the Evacuee Property Act, (Act XXXI of 1950), "in the application of this Act to any Part B State unless the context otherwise requires references to any enactment in force in Part A States, but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that Part B State" and that the Hyderabad Regulation which was an enactment corresponding to the Evacuee Property Administration Ordinance 1949 also stood repealed simultaneously

Discussion on this point was continued on the subsequent day (21st November 1950), and Shri M. A Ayyangar contended that a special provision repealing the Hyderabad Regulation was not warranted by the Constitution as even without such a provision the law under Article 254 would make the provisions in the corresponding Statute of the Hyderabad State void and inoperative

The Law Minister who intervened in the debate said that Parliament had in the past passed laws repealing ~~State~~ laws in the Concurrent List, a practice which he thought was perfectly in consonance with the Constitution.

In interpreting Article 254 of the Constitution, the Law Minister observed as follows —

"The importance of this proviso to sub-clause (c) of Article 254, in my judgment, lies in ~~the fact~~

Bills, General—contd

that it is possible and open to Parliament to make a law not only amending, varying or adding to any law made by the State in the concurrent field, but it has also the power to *repeal* that law. I think this is quite clear from the proviso. So far as this proviso is concerned, the power is specific that Parliament can repeal a law made by the State in the concurrent field. Sub-clause (2) of article 254 refers to a law which I would call as a 'protected law' that is to say, a law which is not only passed by the State Legislature but a law which was reserved for the consent of the President and to which the President has given his consent. That is the law which is referred to in sub-clause (2). Now it was felt that it might be argued that in the case of a law which though passed by a State Legislature relating to the concurrent field none the less was reserved for the consent of the President and to which the President had given his consent—obviously on the advice of the Central Government which represents the wishes of Parliament—the Central Government may be deemed (I am putting the argument) to be "estopped" from doing any further thing by way of injuring that particular Act either through amendment or otherwise. It was to eliminate this kind of argument

Bills, General—contd.

sary in respect of sub-clause (1) of article 254. Therefore, article 254 carries the general implication involved in the phrase 'making of the law' which includes repeal of the law. As sub-clause (2) of article 254 was felt not to carry that implication,—because of its protected character,—the proviso was added to it. Therefore, my submission is that there is nothing unconstitutional in Parliament making a law repealing a law made by the State Legislature in the concurrent field.

With regard to the other point whether you can make a general omnibus law repealing certain laws, it seems to me that there again there is nothing improper in that. What are we doing by having this omnibus law? What we could have done was to have hundreds of Acts, each one dealing with a specific law, saying that we repeal this Act, another Act saying that we repeal that, and a third Act saying that we repeal a third one. Instead of doing this kind of thing, we did it in a collective manner."

Concluding the debate on the point the Speaker observed

"So far as this Bill goes this point is more or less of an academic interest. But it raises a general question. On the facts, it is clear that the power is being properly exercised, as I feel about it. To my mind the real difficulty in the application of the facts of the present case is this. When the original Hyderabad Regulation was passed and when the Ordinance was passed in 1949 this House had not the power to include Hyderabad in that Ordinance. But when the subsequent Act of 1950 was passed this House had jurisdiction over Hyderabad. Therefore, it is perfectly competent to presume that a law passed by this House when it had jurisdiction over the State of Hyderabad will fall through if it be inconsistent under Article 254. But what happens to what was enacted prior to the jurisdiction over Hyderabad, not merely as regards the

Bills, General—concl'd

provisions of that particular law, but as regards the validity of the acts done in pursuance of the previous law If the acts done in pursuance of the Hyderabad Regulation of 1948 or 49, passed at a time when this House had no jurisdiction to legislate, if such acts are challenged now, how are they going to be protected? Therefore, it appeared to me on reading the proceedings, that it is essential to say that all the provisions of that ordinance stand repealed, and also the other part of giving legality to all acts done or orders passed That is, I think, what sub-section (2) seeks to do

So far as the powers of repeal are concerned, the hon the Law Minister has amply clarified the position and I have nothing more to add to what he has said But I was just wondering that, to the extent to which any law of a subordinate legislature is inconsistent with what we do, we can as well say that, in our opinion, such and such law shall not stand and anything that they have done will be inconsistent with what we express ourselves here That can be done under clause (1)

I entirely agree with the interpretation of the word 'make' given by the hon the Law Minister which is wide enough But assuming that you want to put it in a restricted manner, still you can make any law by saying, we are not prepared to accept the legislation of Hyderabad as contained in Regulation No so and so of such and such a year If you could as well enact such a provision, why not shorten the phraseology and say 'we repeal' It really makes no difference in substance to my mind"—Par Deb Part II, 20 November, 1950, Col 323-34, and 21 November, 1950, Col 338-43

Introduction

79 BILLS INTRODUCTION SPEECHES TEN MINUTES RULE STANDING ORDER 37

On the 19th February, 1921 the President explained the scope of Standing Order 37—known in the House of Commons as the 'Ten Minutes' Rule—as follows

Bills, Introduction—contd

"On introduction, a Member may make a short speech explaining the nature of the Bill, and any other Member may make a short speech explaining his reasons for opposing it provided he intends to divide the House"—L A Deb. 19 February, 1921, pp 245-46

80 BILLS INTRODUCTION CANNOT BE OPPOSED IN CASE OF PUBLICATION BEFORE INTRODUCTION RULE 18

On the introduction of the Currency Bill which had already been published in the *Gazette of India* a Member wanted to oppose the introduction

The President referred to Rule 18 and pointed out

"The Finance Member now merely introduces the Bill as the leave stage has been dispensed with. There is no motion before the House. The Honourable Member cannot oppose the introduction"—L A Deb, 18 August, 1926, p 66

81 BILLS INTRODUCTION MOTIONS FOR LEAVE TO INTRODUCE NOT TO BE OPPOSED

On the 1st February, 1927, Mr N C Kelkar made a lengthy speech in asking for leave to introduce his Land Acquisition (Amendment) Bill and after he had introduced the Bill,—

The President remarked "Perhaps I might as well remind Honourable Members that we have already established a convention in this House that motions for leave to introduce Bills are not to be opposed and, therefore, Members will bear that in mind in making their speeches at this stage.—L A Deb. 1 February, 1927, pp 363-ff"

Bills, Introduction—contd.

budget proposals The President inquired if Government would be prejudiced by a later introduction of the Bill The Finance Member said that situations might arise when Bills might have to be introduced on the occasion of the budget without being put down on the agenda beforehand and that the Standing Orders provided for such a concession being made with the permission of the Chair The President gave permission saying

"The Chair has considered this matter and finds that there is a precedent for a Bill being introduced without being placed first on the agenda That happened at the time of President Patel and, according to that precedent, and in the exceptional circumstances of this case—and the Chair takes it that the other case also happened under special circumstances—the Chair allows the Honourable Member to move this motion"—L A Deb, 28 February, 1941, pp 896-97

83 BILLS MOTION FOR LEAVE TO INTRODUCE ONLY TWO SPEECHES ONE BY THE MOVER AND THE OTHER BY THE OPPOSITION ALLOWED

The Honourable the Finance Member moved for leave to introduce the Finance Bill (as certified by the Viceroy) and this was opposed by Mr Bhulabhai Desai in a speech Sir Cowasjee Jehangir also wanted to speak on the motion, when the President ruled.

"Only two speeches are allowed at this stage"—L A Deb, 28 March, 1944, p 1629

84 BILLS INTRODUCTION OF A NON-OFFICIAL BILL BY A MEMBER OTHER THAN THE MEMBERS WHO GAVE NOTICE THEREOF AUTHORITY ESSENTIAL TERMS OF AUTHORITY

On 26th February, 1948 Pandit Thakurdas Bhargava asked for leave to introduce a Bill on behalf of Dr Sir Hari Singh Gour who could not be present in the House and had authorised him (Pandit Thakurdas Bhargava) to introduce it on his behalf On Mr Speaker permitting him to do so, an Honourable Member raised a point of

Bills, Introduction—contd

order as to what would be the further course in regard to the Bill, whether it would be Pandit Bhargava and not Dr Sir Hari Singh Gour who would move the other motions in connection with the Bill

Mr Speaker thereupon ruled that there was no objection to leave for introduction being granted as introduction of a Bill was a purely formal matter. As the letter of authority expressly stated that all future motions in respect of the Bill would be made by the member to whom the authority was delegated, he thought it was quite reasonable to allow it, and therefore it would follow that all subsequent motions in respect of the Bill would be made only by Pandit Bhargava

He further made it clear that as under the rules the maximum number of Bills that could be brought forward for discussion by one member was only three, this Bill would be considered as one of Pandit Bhargava's Bills—
C A (Leg) Deb, 26 February, 1948, p 1286

85 BILLS INTRODUCTION OF PRIVATE MEMBERS' BILLS BEFORE OTHER PENDING BILLS SUSPENSION OF RULE 22(2)

On the 12th December, 1950, Shri M A Ayyanger submitted to the Chair that there were as many as nineteen Private Members' Bills awaiting introduction and that as there was a number of other Bills already introduced which had priority for consideration on that day, there was no chance of the nineteen Bills being introduced unless the Chair exercised its powers under Rule 180, suspending the Standing Orders in that regard. He also informed the Chair that towards this end he had secured the consent of five members in whose names the other Bills stood for consideration. He then moved the following formal motion

“That sub-rule (2) of rule 22 of the Rules of Procedure and Conduct of Business in Parliament, in so far as it requires that Bills which have already been introduced by Private Members shall have priority over all other business, be suspended for this day, and that Bills in respect of which motions for leave to introduce have been entered in today's List of Business, be taken first”

Bills, Introduction—concld

Admitting the motion, the Speaker observed —

"All that is required of me under rule 180 is to give my consent to the motion being moved. In view of the special circumstances mentioned by the hon Member, I have no hesitation in giving that consent. It is for the House now to decide as to whether they will accept the motion, and in view of the consent already obtained of the five hon Members, who have got a priority, I will put the motion to the vote of the House"—Par Deb, Part II, 12 December, 1950, Col 1546—48

Scope of Discussion

86 BILLS SCOPE OF DISCUSSION

On the 2nd December, 1949, during the debate on clause 2 of the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, Prof Shibban Lal Saksena stated that as the Bill included raw cotton and cotton seed among the essential items, he proposed to include sugar cane also. In upholding the objection raised by Prof Ranga to this inclusion, the Speaker ruled

"I must uphold the objection of Prof Ranga. The hon Member is trying to introduce a new matter which is not within the scope of this Bill. Had he been permitted to move his amendment, the matter would have stood on a different footing"—C A (Leg) Deb, Part II, 2 December, 1949, p 200

87 BILLS SCOPE OF DISCUSSION OF AS REPORTED BY THE SELECT COMMITTEE

On the 6th February, 1950, in the course of the debate on the motion that the Delhi Road Transport Authority Bill as reported by the Select Committee be taken into consideration, an hon Member was discussing the details of the administration of the Delhi Transport Service, the fares that were obtaining, economy in the placing of orders for more locomotives, etc

Intervening, the Speaker said

"But the Bill here is concerned with creating a machinery for efficient administration. I am afraid the hon Member, instead of focussing his atten-

Bills, Scope of Discussion—contd.

tion on the machinery to be created for efficient administration, is going into details and criticizing the administration itself. That would perhaps not be relevant at this stage, because we are considering the setting up of a machinery for administration

“So the hon Member would do well to go into the provisions of the Bill, pointing out the defects in the machinery or making suggestions for the improvement of that machinery suggested in the Bill

“As the Bill stands at present, we are only concerned with what kind of provision should be made in the Bill for the constitution of the Authority, what should be the functions of the Authority, etc. For instance, you may say that the Authority should have the labour point before them—that will be perfectly relevant. But to say that you must have workshops, or this or that kind of technical staff, though remotely relevant, is not germane to the discussion”—Par Deb, Part II, 6 February, 1950, pp 210—12

88 BILLS (AMENDING) SCOPE OF DISCUSSION LIMITED

When the Representation of the People (Amending) Bill was taken up for consideration on 13th December, 1950, Pandit Balkrishna Sharma on a point of information, as also on a point of order asked whether in connection with the debate on the Bill it would be in order to ventilate the grievances of Part C States and to bring to the notice of the House the unrepresentative character of their administration from the Centre

The Speaker observed

“In so far as this has to be treated as a point of order, the question is problematical at this stage, but I may invite the attention of hon Members to one distinction. This Bill seeks to provide for the proper representation of Part C States, and the subject for discussion that will be relevant will be the manner and the method of elections. The question of administration appears to be clearly—

Bills, Scope of Discussion—contd.

to my mind—irrelevant for the present discussion. We are not concerned now with the administration of those parts. We are concerned only to see as to how best we can have the popular representatives from those parts. Otherwise, we shall be going off the mark and outside the scope because *ex hypothesi* it is agreed that there shall be representation of Part C States except perhaps in the case of Manipur and Tripura where nomination is proposed. But there too the discussion will not be as regards the character of the administration. The relevant discussion would be as to how it is possible to evolve a system of electorates, contesting the point of view urged by the hon. the Law Minister that the state of things there is of a type which makes it impossible to make satisfactory arrangements for representation. That point of view is open to contest, but I do not think that the administration of Part C States will be open for discussion."

Shri Syamnandan Sahaya contended that since Part C States had no popularly elected Legislatures the present Bill should provide a forum for discussing that matter. Another Member, Shri Barman, enquired whether, in view of the fact that the Bill was an amending measure, they could not discuss the unsatisfactory administration of the existing Act which was being sought to be amended.

The Speaker then ruled

"The chief objective is not the administration of Part A, B or C States. It is only the system of election that we are concerned with. If the administration of the People's Representation Act has got any elements which do not satisfy hon. Members, it may be possible to refer to them but only to a very limited extent in so far as they are related to the proposed amendments. It will not be possible to cover the entire theme of the People's Representation Act. Otherwise, I do not know where to draw the line of demarcation and the House will have to discuss this Bill for months and days together and cover the entire administration of the Indian

Bills, Scope of Discussion—concl'd

Union Some limitation has to be placed and our attention should be limited only to suggesting the best means of having an election machinery

"I may point out to the hon Members the difficulty of the whole thing It may perhaps be permissible to a very limited extent to mention something which might throw some light on the provisions in the present Bill, but if I were to permit a general discussion of the administration, I do not know where to end and where to start We are at present concerned with an amending Bill If any amendment to any other section of the People's Representation Act is not permissible as going beyond the scope of the present amending Bill, it follows *ex hypothesi* that no discussion also will be possible Then there is another difficulty An hon Member makes a remark in passing and that is caught up by other hon. Members and along that argument starts a series of replies and counter-replies The best course is not to look upon this Bill as an opportunity to criticise the Representation of People Act or even to criticise the Administration in Part A, B or C States but to focus attention only on the question of having the best election machinery Unless we do that, the discussion will be ~~desultory~~ and practically to no purpose"—Par Deb, Part II, 13 December, 1950, Col 1684—87

Amendments

General

89 BILLS AMENDMENTS MEMBERS OF SELECT COMMITTEE CAN MOVE AMENDMENTS TO CLAUSES AGREED TO IN SELECT COMMITTEE

During the discussion on the clauses of the Motor Vehicles Bill, an amendment was moved on behalf of Government to a clause which had been agreed to in Select Committee whereupon objection was taken—that the amendment did not find any place in the dissenting minutes of the Government to the Report and could not therefore be moved on behalf of Government, but the Deputy President ruled

Bills, Amendments (General)—contd

"As the point of order is pressed, I have got to give my ruling. I hold that there is no convention or practice like that and reason also does not justify any such practice or convention. A member of the Select Committee may very honestly change his opinion after the Bill has been brought here. I, therefore, hold that the Honourable the Mover of this amendment is perfectly in order"—L. A. Deb, 5 September, 1938, pp 1610-12

90 BILLS AMENDMENTS MOVER MUST MOVE THE AMENDMENT BEFORE PROCEEDING WITH HIS SPEECH

During the discussion of the Indian Penal Code (Amendment) Bill, Sir Hari Singh Gour who had an amendment in his name, proceeded to speak without moving it

The President pointed out that the Member must begin by formally moving the amendment—L. A. Deb, 3 September, 1925, p 732

91 BILLS AMENDMENTS SUBSTITUTING ENTIRE SCHEMES HAVE PRIORITY OVER AMENDMENTS LIMITED TO PART ONLY

During the discussion on the Indian Tariff (Textile Protection) Amendment Bill an amendment substituting an item for an item in the schedule was moved, when a Member enquired if another amendment to a part of the item was in order, whereupon the President remarked

"Sir Cowasji Jehangir's amendment substitutes an entire scheme and therefore it has priority on the order paper"—L. A. Deb, 12 April, 1934, p 3695

92 BILLS AMENDMENTS PROPOSING SUBSTITUTION OF A CLAUSE TO HAVE PRIORITY

During the discussion on the Defence of India Bill a Member rose to move certain amendments to clause 10 before a previous amendment was moved, on the ground that his amendments were more comprehensive, but the President ruled that as the first amendment sought to substitute a different clause for the existing clause, it should be moved first, and added

"The practice is that any amendment which wants to substitute a different clause for the clause in the

Bills, Amendments (General)—contd

Bill is to be taken first If that is thrown out, the other amendments are to be moved"—L A Deb, 19 September, 1939 pp 734-35

93 BILLS AMENDMENTS NOT MOVED THROUGH INADVERTENCE DURING THE SECOND READING STAGE CANNOT BE ALLOWED LATER

After the Second Reading of the Insurance Bill had been finished Mr Desai sought to move amendment No 42, the effect of which was to insert a note at the foot of Form D of Part II of the Third Schedule He explained that this amendment was not moved earlier through inadvertence The President disallowed the motion and observed 'The Schedule has been adopted in the form as it stands and as amended by other amendments I am afraid it is too late now for amendment No 42 to be moved'—L A Deb 2 October, 1937, pp 2940-43

94 BILLS AMENDMENTS AMENDMENT FOR PREFERENCE TO SELECT COMMITTEE MAY BE MOVED TO "OPTION FOR PREFERENCE TO JOINT COMMITTEE

Bills, Amendments (General)—contd

when the consideration motion had been carried and the President agreeing ruled.

"I do not think that there has been any ruling on the point whether the period of two days' clear notice which is mentioned in Standing Order 46 applies to a motion for re-circulation of a Bill for the purpose of obtaining further opinion thereon, after a Bill has been before the Select Committee. As far as I know, I do not think there has been any uniform practice in this matter. As at present advised, I am inclined to hold that the limitation or condition that two days' notice must be given does not apply to the motion of which notice has been given by Mr Aney"—L A Deb. 22 September, 1936, pp 1638-41

96 BILLS AMENDMENTS MOTION THAT BILL BE TAKEN INTO CONSIDERATION AMENDMENT TO SUCH MOTION THAT BILL BE TAKEN INTO CONSIDERATION NINE MONTHS HENCE NOT IN ORDER

On a motion to take into consideration the Criminal Law Amendment Bill, Mr Satyamurti sought to move that the Bill be taken into consideration nine months hence. The President observed "I rule that this motion is not in order. It is contrary, in my opinion, to Standing Order 39 and contrary to the practice that has always obtained in this House"—L A Deb, 15 August, 1938, pp 490-97

97 BILLS AMENDMENTS REPLY ON AMENDMENTS DOES NOT CONCLUDE DEBATE

After Sir Charles Innes had begun his reply to an amendment of the Schedule of the Finance Bill, Mr T Prakasam wanted to know whether it was the final reply and whether the debate would be closed after it. After allowing Sir Charles Innes to finish his speech, the President observed

"The point of order which the Honourable Member raises is whether the speech of the Honourable the Commerce Member concludes the debate on this amendment. The Honourable Member knows as

Bills, Amendments (General)—contd

well as I do that the Government have not the last word in debates on amendments and therefore the debate does not conclude with the speech of the Honourable the Commerce Member"—L A Deb, 23 March, 1927, pp 2650-56

98 BILLS AMENDMENTS SAME GROUND SHOULD NOT BE COVERED WHEN MOVING AN ALTERNATIVE AMENDMENT

Sardar Sant Singh moving an amendment to clause 1(4) of the Indian Press Bill, proceeded to repeat the arguments which had been adduced in support of a previous amendment, when—

The President pointed out "I should like to invite the attention of the Honourable Members to the manner in which the discussion is proceeding. It is a well recognised practice that when an alternative amendment is moved the old ground is not allowed to be covered because that is repetition. The Honourable Member has made a certain change in the second amendment which he is now moving, and he will be allowed to address the House to the extent of the new matter which is introduced in the alternative amendment. The Honourable Member in his first amendment wanted that the Local Government should be authorised to apply to the High Court. In the alternative amendment he says that the Local Government may authorise any person to file a complaint before a magistrate. This is the only new matter he introduces, he will be required to restrict himself to such new matter only"—L A Deb, 2 October, 1931, p 1429

99 BILLS AMENDMENTS IN ORDER RESTORATION OF CLAUSES OMITTED BY JOINT COMMITTEE

On the motion to consider the Report of the Joint Committee on the Workmen's Compensation Bill, Mr T V Seshagiri Ayyar asked whether it was open to the Assembly to discuss clauses which the Joint Committee had excised from the original Bill

The President ruled that since the Bill as sent up by the Assembly to the Joint Committee contained

Bills, Amendments (General)—contd.

those clauses it was perfectly open to the Assembly to restore them—L A Deb, 3 February, 1923, pp 1858-59

100 BILLS AMENDMENTS ONLY MEMBER WHO HAS GIVEN NOTICE, CAN MOVE

When the Indian Companies (Amendment) Bill was taken into consideration, it was noticed that none of the Members who had tabled amendments were in their place in the House. Another Member wanted to move one of the amendments when the President observed

"It is well established practice that only those who have given notice of amendments to the Bill can move them, none else can"—L A Deb, 23 February, 1944, p 449

101 BILLS AMENDMENTS MOVER OF BILL CAN MOVE AMENDMENTS TO HIS OWN BILL

During the discussion on the Delhi Muslim Wakfs Bill, Maulvi Muhammad Abdul Ghani, the Mover of the Bill, rose to move an amendment to a clause of the Bill when the Law Member asked if a member could move an amendment to his own Bill, whereupon the President observed

"There is no ruling to that effect. I know that one of my predecessors did make a remark that perhaps it is more desirable that the Mover of a motion for consideration of a Bill should leave it to some other to move any amendment which he thinks it necessary to be made. It is not that the member in charge of a Bill is in any way disabled from moving an amendment to his Bill, and I do not find any provision in the Standing Orders or Rules which debars him from moving any amendment he likes and I do not see any good reason why he should be so debarred. It may be that in some cases he may find it inconvenient to move particular amendments himself, in those cases the Member may probably consider it more desirable that it should be moved by some other person who also has given notice of that amendment. Anyway, I do not think that Maulvi Abdul Ghani is debarred

Bills, Amendments (General)—contd

from moving any amendment standing in his name, but it is left to him whether he will do it himself or leave it to some other Member who also has given notice of the same amendment,"

and after the Bill had been passed, added—

"Before I pass on to the next item on the List of Business, I wish to bring to the notice of the House what is the practice in the House of Commons regarding amendments which stand in the name of the sponsor of a Bill As a matter of fact, the practice there goes even farther than what I have laid down this morning Redlich in his book on Parliamentary Procedure says as follows

"The notice paper always states in proper order the amendments of which notice has been given, priority being always granted *ceteris paribus* to those proposed by the member in charge of the Bill'

This confirms the ruling which I have given, that it is entirely open to the member in charge of a Bill to move any amendments he chooses"—L A Deb, 3 March, 1943, pp 729-30 and 741

102 BILLS MARGINAL HEADINGS NOT PART OF—AND AMENDMENTS THERETO NOT PERMISSIBLE

On the 10th February, 1950, during the debate on "The Undesirable Immigrants Expulsion from Assam Bill" a Member sought to move an amendment to the marginal heading of Clause 2 to omit the word "Undesirable" In disallowing such an amendment the Speaker remarked

"I have already ruled two days ago that a marginal heading is not part of a Bill Therefore I cannot allow this amendment to be moved I have held this view ever since I was elected Speaker of the Bombay Legislative Assembly in 1937 and I have held that view consistently and I also understand that that has been the view ever since this Assembly began to function, not as Parliament — Par Deb, Part II, 10 February, 1950, pp 409-10

Bills, Amendments (General)—contd.

103 BILLS PROCEDURE TO MOVE AMENDMENT TO BILLS IN THE ABSENCE OF MEMBER GIVING NOTICE OF AMENDMENT

On the 2nd December, 1949, when the Speaker put clause 2 of the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, to the vote of the House, Prof Shibban Lal Saksena wanted to move an amendment saying that he had gone to Bombay to give evidence and therefore could not be present in the House when his amendment was called

The Speaker ruled

"The point is that he was not present at the time the amendment was called out I do not think it would be permissible for him to move it now"

Continuing, the Speaker said

"If the hon Member had left the amendment to some other Member, I might have considered it"—C A (Leg) Deb, Part II, 2 December, 1949, p 200

104. BILLS LAST MINUTE AMENDMENTS TO OUT OF ORDER UNLESS AGREED TO BY MOVER OF THE BILL

On the 20th November, 1950, during the second reading of the Allianz Und Stuttgarter Life Insurance (Transfer) Bill, certain amendments were received at the last minute. The Speaker ruling them out of order observed —

"I have received notices of certain amendments to clauses 4 and 5, one to clause 6, and an amendment tabled by the Deputy-Speaker and Pandit Thakur Das Bhargava, received in office at 2-15 P.M. Obviously, all these notices are beyond time and as the House knows, it has been my practice not to allow any last-minute amendments, unless they are amendments substantially agreed to by the parties concerned. In this case, if the hon the Commerce Minister and the other parties concerned agree that some amendment should be made, then I shall be prepared to consider the question of waiving notice, not otherwise."—Par Deb, Part II, 20 November, 1950, Col 309-310

Bills, Amendments (General)—contd.

105 BILLS LANGUAGE USE OF THE WORD 'INDIA'.

On the 8th February 1950, in the course of the Second Reading of the Bill to provide for the expulsion from Assam of undesirable immigrants with reference to an amendment to substitute the words "place outside India", an hon Member expressed a fear that it might perhaps be argued that 'India' may mean India even of the past and may not necessarily mean the India of today, after partition and suggested that the wording should be "place outside the territory now forming part of India"

The Chairman (Shri Hossain Imam)

Bills, Amendments (General)—contd.

The Speaker thereupon ruled

"The Bill is introduced as a whole and therefore every clause is before the House. If any hon Member is keen to move any amendment to this clause, I think the Chair is bound to put the clause before the House. He cannot withdraw a clause in that manner after once having placed the whole Bill before the House. But then I was following this informal procedure, simply for shortening the discussion."

The clause was then put and negatived—Par Deb, Part II, 21 December, 1950, Col 2214-15

Scope

107 BILLS AMENDMENTS WITHIN SCOPE OF BILL BILL ORIGINALLY INTRODUCED IN COUNCIL OF STATE CERTAIN CLAUSES OMITTED IN COUNCIL OF STATE AMENDMENTS ADMISSIBLE IN ASSEMBLY

During the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, a point was raised as to whether certain clauses in the Bill as originally introduced which were omitted by the Council of State were open to amendment in the Assembly

The Deputy President ruled that it would be in order to discuss the Bill as originally introduced in the Council of State and to move the necessary amendments—L A Deb, 15 January, 1923, pp 1035—39

108 BILLS AMENDMENTS WITHIN SCOPE OF BILL LIMITING SCOPE OF REPEALING BILLS IN ORDER

After the Special Laws Repeal Bill had been taken into consideration, the President called upon Diwan Bahadur Rangachariar to move his amendment to clause 2, when Mr V J Patel asked for a ruling as to the admissibility of the amendments on the paper—

Upon which the President remarked "Does the Honourable Member suggest that Mr Rangachariar cannot propose to amend certain enactments which he wishes to repeal? I do not think I can uphold that proposition"

Bills, Amendments (Scope)—contd

Mr Patel pointed out that the proposed amendments either extended or limited the scope of his Bill

The President ruled "Certainly, those amendments proposing to limit the scope of this repealing measure are in order. As to the others lower down I shall inform him and the Mover whether they are in order or not when we come to them"—
L A Deb, 19 March, 1925, pp 2655-56

109 BILLS AMENDMENTS WITHIN SCOPE OF BILL AMENDING BILL TO EXTEND LIFE OF EXISTING ACT WHICH IMPOSED A DUTY AMENDMENT SEEKING TO REDUCE DUTY ADMISSIBLE, THOUGH SECTION PROPOSED TO BE AMENDED WAS NOT MENTIONED IN THE AMENDING BILL

The Salt Additional Import Duty (Extending) Bill set out to amend section 1 (3) which gave the life of the original Act, and also section 5 (4). A Member tabled an amendment to section 3 of the original Act with a view to reduce the duty on one class of imported salt. An objection was taken that this amendment was not admissible because it set out to amend a provision of the original Act which was not touched by the amending Bill as introduced.

The President pointed out that it was conceivable that in certain exceptional cases the scope of an amending Bill might be covered by certain sections of the original Act which were not specifically referred to in the amending Bill, and held, in this particular case, that when Government came before the House with an amending Bill to extend the life of an existing Act which imposed a duty or levied taxation, the amount of that duty or taxation was also open for discussion, and in the circumstances the amendment in question was in order—L A Deb, 28 March, 1934, pp 2901-02

110 BILLS AMENDMENTS BEYOND SCOPE OF BILL CLAUSE IN AN AMENDING BILL PROPOSED TO ADD A SUB-CLAUSE IN CERTAIN SECTION WHETHER THE WHOLE SECTION WAS OPEN TO AMENDMENT

By clause 72 in the Code of Criminal Procedure (Amendment) Bill it was proposed to amend section 260

Bills, Amendments (Scope)—contd.

by adding an additional offence within the scope of summary trials Clause 72 was omitted by the Joint Committee When the Bill came before the Assembly a Member proposed an amendment to section 260, and this amendment related to the rights of accused persons who may be brought to summary trials

An objection was raised by the Home Member that the amendment was not in order as it introduced considerations which were not in any way pertinent to the purpose for which section 260 was mentioned in the original Bill

The President upheld the objection and ruled that the amendment was inadmissible—L A Deb 6 February, 1923, pp 2005-06

111 BILLS AMENDMENTS BEYOND SCOPE OF BILL OUT OF ORDER

During the discussion on the Bamboo Paper Industry (Protection) Bill, Sir Hari Singh Gour sought to move a certain amendment enlarging the scope of the Bill, when Government objected on the ground that the Bill was intended to foster the bamboo paper industry, while the amendment sought to include all kinds of paper in the Bill

The President upholding the objection ruled "There are a number of amendments of a similar kind on the paper It seems to me that, although these amendments do not affect the operative portions of the Bill there is no doubt that they commit Government to an extended policy of protection in regard to all kinds of paper That being my view, I rule that all these amendments are out of order"—L A Deb, 14 September, 1925, p 1216

112 BILLS AMENDMENTS BEYOND SCOPE OF BILL OUT OF ORDER

On the 29th September, 1937, Professor Ranga sought to add a clause (after clause 38 of the Insurance Bill) enabling Local Governments to direct Insurance Companies to maintain provident funds for employees of such companies, whereupon objection was taken that the

Bills, Amendments (Scope)—contd

amendment was beyond the scope of the Bill. It was contended for the amendment that the Bill purported to consolidate and amend the law relating to insurance and therefore the amendment was in order. The Law Member pointed out that no such provision had been made in any previous Acts e.g. the Companies Act. After hearing further arguments the President ruled

'Objection has been raised to this amendment on the ground that it purports to widen the scope of the Bill. The amendment is that provision should be made for a provident fund for the benefit of employees of an insurance company, or rather an insurer. The scope of the Bill as has been more than once laid down by the Chair, is to be judged from the Preamble the Title the clauses of the Bill and the Schedules. You must take the whole Bill into consideration in order to ascertain what is the scope of the Bill. The Honourable the Leader of the Opposition very rightly points out that the Bill is not only a Consolidating Bill but an Amending Bill, which includes within its scope additions to the Bill which are relevant to the clauses of the Bill and which are not outside the

Bills, Amendments (Scope)—concl'd

of provident fund for the employees of an insurance company

As for the rulings, I have gone through most of the rulings, but in a matter like this uniformity cannot be expected, each case has to be considered with reference to the nature of the Bill before the House, and, as I have pointed out, and as is quite clear, this Bill refers to the carrying on of insurance business I don't say that provident fund for the benefit of employees of insurance companies has not got some sort of connection with the carrying on of insurance business or any other business of that character, but that sort of relation is a very remote one, and it cannot by any means be said that an amendment like this comes within the scope of the Bill I, therefore rule that the amendment is out of order'—L A Deb., 29 September, 1937, pp 2675-85

Sanction

113 BILLS AMENDMENTS WHICH SEEK TO IMPOSE OR AUGMENT A TAX SANCTION OF THE GOVERNOR GENERAL NECESSARY

After Sir Charles Innes had moved that the Steel Industry (Protection) Bill be taken into consideration,—

The President gave the following general ruling on the amendments on the paper "Before the debate on this motion begins, I think it would conduce to orderly debate if I state to the House what my view is with regard to the various amendments of which notices have been given I would state my views subject to anything that I may hear from the Members who have given notices of amendments

In dealing with these amendments, the principles to be borne in mind are that no motion to impose a tax can be made except on the recommendation of the Crown, nor can the amount of a tax proposed on behalf of the Crown be augmented without

Bills, Amendments (Sanction)—contd.

similar recommendation. Similarly, every motion for grant of money from the public revenues and every motion for appropriation of public revenues or for creating a charge on such revenues can again be made only on the sanction or recommendation of the Crown. These are constitutionally recognised fundamental principles on which Bills of this character have to be dealt with, and the same principle has been embodied in section 67A of the Government of India Act and in section 67 (2) (a) and section 67A, clauses (2) and (6). Further, it has to be borne in mind that any amendment must be within the scope of the Bill and must not introduce a new or foreign subject into the Bill introduced for a particular purpose. Bearing these principles in mind, as I said, I have considered the various amendments and I will now proceed to state to the House my views, as I have said, subject to what I may hear from the various Members who have given notice of amendments"—L A Deb, 27 May 1924, pp 2293-98

114 BILLS AMENDMENTS TO APPROPRIATE REVENUES OR MONIES SANCTION OF THE GOVERNOR GENERAL NECESSARY

Mr N M Joshi sought to move an amendment to clause 2 of the Steel Industry (Protection) Bill suggesting that the proceeds from the duty shall not be carried to the general revenues and Government objecting that such a proposal could not be made except with the recommendation of the Governor General,—

Bills, Amendments (Sanction)—contd.

115 BILLS AMENDMENTS SANCTION OF THE GOVERNOR GENERAL NOT REQUIRED TO AMENDMENT PROPOSING A DUTY HIGHER THAN THAT PROPOSED IN THE BILL BUT LOWER THAN THAT PREVALENT ON THE DATE THE BILL WAS INTRODUCED

During the consideration of the Indian Tariff (Second Amendment) Bill, an amendment was moved which increased the proposed duty on a certain article to a level which was lower than the duty which existed under the Act sought to be amended by the Bill. Objection was taken by Government that as the amendment had the effect of increasing the proposed duty the previous sanction of the Governor General was necessary before it could be moved. After allowing the Government to state their case, the President ruling the amendment in order observed

"The Honourable the Commerce Member has admitted that this amendment which is in the name of Mr Avinashilingam Chettiar, seeks that certain duties should be imposed on wood pulp which, in fact, will be higher than those proposed in the Bill, but lower than that in the Act which the present Bill seeks to amend. The Honourable the Commerce Member then argues that what is to be taken into account is the fact whether there is any duty at the present day or rather today when the amendment will be discussed and put to the vote of the House—and whether the proposal in the amendment would increase the burden on the taxpayers or the duty payers or not. He says that no account is to be taken of the fact that the Bill including the clause which this amendment seeks to amend was introduced on a date on which the old Act was in force and he further argues that, but for the Provisional Collection of Taxes Act, there would have been no duty at all today and, therefore, this amendment seeks to increase the burden of the people inasmuch as it wants that the duty should be higher than that provided for in the Bill which is now before the House, and, therefore, previous sanction of the Governor General is necessary. The Chair does not think, the conti-

Bills. Amendments (Sanction)—concl'd

nuance of the duty under the particular Act mentioned, for the time being, makes any difference in this case Supposing, for instance, this Bill was introduced a month before the duty under the Act expired, Honourable Members would be perfectly justified in sending notices of amendments any time afterwards and the mere accident that when an amendment came to be discussed by the House the duty happened to expire should not make any difference in the consideration of the amendment The Chair thinks the crucial date to be considered is the date of the introduction of the Bill, when the House became seized of the Bill, and it was open to the Honourable Members to send in amendments on the basis of the Bill and the law existing on that day Since this amendment does not seek to raise the duty to a figure which is higher than what was prevalent on the date the Bill was introduced, the Chair holds that the amendment is in order and that sanction of the Governor General was not required"—L A Deb , 6 April, 1939, pp 345-55

116 BILLS AMENDMENT TO EXTEND OPERATION OF THE TAX FOR AN INDEFINITE PERIOD SANCTION NOT OBTAINED OUT OF ORDER

Where a clause in the Indian Tariff (Amendment) Bill proposed a tax for a particular period, and an amendment to it had the effect of extending the operation of the tax indefinitely, the President ruled that such amendment was open to objection, because by proposing that the tax should operate for an indefinite period it was proposed that the tax should be levied for periods for which no sanction had been obtained He accordingly ruled the amendment out of order —L A Deb 5 April 1935 v 3744

Bills, Circulation Motions—contd

tioned in Standing Order No 38 and stated that as clause (c) of that Standing Order was in a different category from clauses (a) and (b), the House should not be considered to be committed to the principle of a Bill if it had merely adopted a motion for its circulation—L A Deb. 10 January, 1922, p 1452

118 BILLS CIRCULATION MOTION ON DAY OF INTRODUCTION. HELD IN ORDER STANDING ORDER 38

A Member moved for circulation of a Bill on the same day on which the Bill was introduced A point of order was raised whether in view of the Chair's calling attention of the House to the convention, *namely*, that on the day on which leave is sought to introduce a Bill no other motion should be made, the mover was entitled to make the motion The President held that, in view of the terms of Standing Order 38, the Chair had no right to prevent the mover, if he chose to do so, from making such a motion—L A Deb, 24 March, 1933, pp 2539-41

119 BILLS CIRCULATION MOTION SCOPE OF DISCUSSION

A Member, speaking on the motion to consider the Steel Industry (Protection) Bill, as amended by the Select Committee, to which an amendment had been moved that the Bill be circulated for opinion, proceeded to go into the points raised in the Select Committee Report—

The President intervened and said "I would remind the Honourable Member and the House that the question that is being debated at present is only the narrow question whether the Bill should be taken into consideration now or whether it should be circulated for opinion It is not open, therefore, to Members to go into the merits of the various points which they may wish to be further considered They can merely indicate the points on which they think there should be further consideration by the country But I will not allow Members to go into the merits of the various points that may arise nor will it be permissible to Members to discuss in this debate the principle

Bills, Circulation Motions—contd

of the Bill which has already been affirmed by the Assembly in referring the Bill to the Select Committee”

Another Member proceeded to discuss the principles of the Bill on the same motion

The President repeated his ruling and said “The Honourable Member must bear in mind what I said that we are now not discussing the principles of the Bill at all. The question before the House is a very narrow one, whether the Bill should be considered now or should be circulated for opinion, and Honourable Members must confine their remarks to that narrow question”—L A Deb 2 June, 1924 pp 2448-53

120 BILLS CIRCULATION MOTION AMENDMENT REGARDING RESTRICTED CIRCULATION IN ORDER STANDING ORDER 39 (2)

To the circulation motion on the Hindu Temple Entry Disabilities Removal Bill, Pandit Satyendra Nath Sen wanted to move an amendment “that the Bill be circulated amongst the temple going Hindus”, whereupon it was pointed out that under Standing Order 39(2) (a) such a restricted circulation motion was not in order

The President ruled “The Honourable Member must realise that no explicit provision is made in the Standing Order as to what kind of amendments can be moved to the motion of a Mover of a Bill that the Bill be circulated for eliciting opinion thereon. When Standing Orders are silent on the point, it will be for the Chair to decide what amendments to such motions would be in order, and the Chair in this case has held that Pandit Sen’s amendment is in order,”—L A Deb, 24 August, 1933, p 210

121 BILLS CIRCULATION MOTION MOTION FOR CONSIDERATION OF THE BILL, AS REPORTED BY SELECT COMMITTEE AMENDMENT FOR CIRCULATION IN ORDER INTERPRETATION OF STANDING ORDER 44 (2)

On a motion to take into consideration the report of the Select Committee on a Bill, an amendment was moved

Bills, Circulation Motions--contd

that the Bill be circulated for opinion. A Member asked if the amendment was in order—

The President ruled "Apart from the fact that it is a little late to take the point of order I think the presumption is that the framers of Standing Order 14, when they provided for recirculation, must have assumed the right to circulate at this stage for the first time"—L A Dec 15 September 1922 p 613

122 Bills CIRCULATED FOR OPINION RESPONSIBILITY FOR PREPARATION OF PRECIS OF OPINIONS

On the 8th September 1938 the President made the following statement

"Order order, Honourable Members will remember that the other day I promised to take into consideration the recommendation made by the Select Committee on the Motor Vehicles Bill. They passed a Resolution to the effect that summaries of opinions in cases where Bills are circulated for opinion by executive order and memoranda required by Select Committees in connection with Bills, tabular statements setting forth side by side the original enactment and the amendments proposed to be made should be prepared and supplied by the Legislative Assembly Department. I promised that I would consult the Leaders of Parties in the House, and then if necessary, I would take up the matter with the Government. I consulted the Leaders of Parties including the Honourable the Leader of the House, and they are all unanimously agreed that there should be no change in the present practice regarding the preparation of summaries of opinions. The present practice is as regards Bills circulated by the order of the House, the summaries of opinions are prepared by the Assembly Department, and, as regards Bills, the circulation of which is ordered by executive order of the Government Department concerned, they themselves, that is, the Departments concerned, prepare sum-

Bills, Circulation Motions—concl'd

maries of opinions. The Leaders of Parties advise me that there should be no change in that practice. Similarly as regards memorandum to be attached to Bills showing the original enactment and the amendments proposed that also, according to the Leaders of Parties if it is to be prepared at all, should not be prepared by the Assembly Department. Then the Leader of the House agreed to consider whether the Government will in future prepare such memoranda and supply them to the Members and he has promised to inform the House in due course the decision of the Government on that point"

The Leader of the House then stated "I ~~am~~ say at once for the information of the House that Government have considered this matter of the preparation of tabular statements whenever they may become necessary with reference to amending Bill showing what the original provision is that is sought to be amended and in what manner it is proposed to amend it. I may assure you, Sir, and through you, the House, that the Department concerned will always do its best to supply statement of that kind"—L A. Deb., 8 September, 1938, pp 1865-66

Select Committees

123 BILLS SELECT COMMITTEES POWER OF HOUSE TO RE-CONSTITUTE

Dr Hari Singh Gour moving to recommit the Hindu Religious and Charitable Trusts Bill to a fresh Select Committee, a Member asked if the House should recommit the Bill to the former Committee or could refer it to a fresh Committee

The President ruled "The House has the power to re-constitute a Select Committee and recommit the Bill to it"—L A Deb., 19 February, 1926, p 1546

Bills, Select Committees—contd

124 BILLS SELECT COMMITTEE EVERY MEMBER HAS RIGHT OF SITTING ON

On the motion to refer the Reserve Bank Bill to a Joint Committee, Mr Jog sought to move an amendment prohibiting Members who had taken part in the London Conference from sitting on the Joint Committee

The President ruled "A Committee of this House, whether a Joint Committee or a Select Committee, is set up by a motion of this House, and every Honourable Member, whoever he is, has got the right to sit on that Committee, if he is elected to that Committee, and no Resolution of this House can debar any individual from sitting on a Committee like that, and therefore the amendment is out of order"—L A Deb , 13 September, 1933, pp 1507-08

125 BILLS SELECT COMMITTEE MOTION TO INCLUDE LAW MEMBER IN SELECT COMMITTEE NOT NECESSARY IF PREVIOUS LAW MEMBER WAS A MEMBER OF THE ASSEMBLY AT THE TIME THE BILL WAS REFERRED TO SELECT COMMITTEE STANDING ORDER 40

Where the Law Member of the Government of India was a Member of the Assembly when the motion to refer the Medical Council Bill to Select Committee was made and subsequently the personnel of the office changed and the new Law Member was nominated to the Assembly and took the oath of allegiance, the President held that under these circumstances it was not necessary to make a specific motion to enable the new Law Member to take his seat in the Select Committee—L A Deb , 22 August, 1933, p 55

126 BILLS SELECT COMMITTEE MOTION TO BE ACCCOMPANIED BY NAMES OF MEMBERS AFTER OBTAINING THEIR CONSENT

A Member drew the President's attention to Standing ORDER 40(2) * * * * *

The President ruled * * * * "that when any member of a Select Committee, already appointed, dies or resigns, or has to give up his work for any other

Bills, Select Committees—contd

cause it shall be open to the Assembly to appoint his substitute at any subsequent meeting”

The Chair further said “As a rule any motion for the appointment of a Select Committee shall be accompanied by a statement of the names of Members proposed to be appointed and the Mover of such motion shall inform the House that he has the authority of those gentlemen for so proposing their names”—L A Deb 22 February 1921, p 332

127 BILLS SELFCT COMMITTEE PROCEDURE WHEN ADDITIONAL NAMES ARE PROPOSED TO

On the motion to refer the Port Haj Committees Bill to Select Committee a Member proposed to add another Member to the Select Committee, and on the President asking whether the Government agreed Sir Frank Noyce said he was in a somewhat difficult position Whereupon—

The President explained the position as follows “A suggestion is made for the addition of a name The Member in charge is entitled either to accept the name or to refuse to do so If the Member in charge refuses to accept the suggestion then the Member making the suggestion is entitled to move it in the form of an amendment That is the correct procedure”

And added that reasons for refusal to agree need not be given unless the suggestion was put forward formally as an amendment—L A Deb 5 April, 1932, p 3003

128 BILLS SELECT COMMITTEE FURTHER NAMES CANNOT BE ADDED AFTER ORIGINAL MOTION IS PUT

After the motion to refer the Workmen’s Compensation (Amendment) Bill to a Select Committee had been put, Mr Jog wanted to withdraw from the Committee and to suggest another name

The President ruled “You cannot do it at this stage The Honourable Member can withdraw from the Committee if he does not wish to serve, but he cannot suggest the addition of a name at this stage when the question is being put to the House”— L A Deb, 23 September, 1932, p 1285

Bills, Select Committees—contd

129 BILLS SELECT COMMITTEE PROCEDURE TO BE OBSERVED
MEETINGS TO BE PRIVATE AND NOT OPEN TO STRANGERS AND
THE PRESS MEETINGS TO BE HELD WITHIN THE PRECINCTS
OF THE HOUSE UNLESS OTHERWISE SPECIFICALLY DIRECTED
BY THE HOUSE INFORMATION AND DOCUMENTS PLACED BE-
FORE SELECT COMMITTEE TO BE MADE AVAILABLE TO THE
HOUSE SELECT COMMITTEE TO DECIDE WHAT RELEVANT
DOCUMENTS AND INFORMATION MADE AVAILABLE TO THEM
SHOULD BE MADE AVAILABLE TO THE HOUSE NO DOCUMENT
OR REPORT PLACED BEFORE SELECT COMMITTEE TO BE
PUBLISHED UNTIL IT IS PRESENTED TO THE HOUSE
EVIDENCE OF WITNESSES UNDER S O 40(4) LIABLE TO BE
MADE AVAILABLE TO THE HOUSE EVEN WHEN TENDERED *in*
***camera* SELECT COMMITTEE TO SEE THAT REPORTERS**
ARE MADE AVAILABLE WHEN NECESSARY TO TAKE DOWN
EVIDENCE MEMBERS OF SELECT COMMITTEE CAN REFER
TO DOCUMENTS AND INFORMATION GIVEN TO THE
COMMITTEE BUT NOT TO DISCUSSIONS OR NEGOTIATIONS
IN THE COMMITTEE

Speaking on the Indian Tariff (Amendment) Bill on the 15th February, 1934, Mr N M Joshi complained that he could not follow the proceedings in the absence of requisite information as the information available to the Select Committee on the Bill was not made available to the House, and suggested that whenever a Select Committee received information, it should do so in public, following the practice of the House of Commons, and the information should be made available to the House and the public and that only the discussions in the Committee should be private

The President promised to consider the point, and on the 15th March delivered his ruling as follows

"On the 15th of February, 1934, the Honourable Member, Mr N M Joshi, requested that the Chair might give some directions about the procedure to be followed in Select Committees, especially with reference to making available to the House the documents and information placed before Select Committees. The Chair has examined this matter carefully and gives the following direction for the guidance of all Select Committees of this House

Unless otherwise specifically directed by the Assembly, the meetings of Select Committees should be held

Bills, Select Committees—contd

within the precincts of the House. The sittings of all Select Committees should be private and no strangers or representatives of the press can be admitted to meetings of the Committees. Under Standing Order 40, sub-section (4), a Select Committee may hear expert evidence and representatives of special interests affected by the measure before them. A Select Committee of this House cannot have greater powers than what the House itself enjoys under the Constitution. All material placed by Government before a Select Committee should, however, be available to the Members of the House. In other words, a Committee of this House cannot have any information which cannot be disclosed to the House as a whole. The House, therefore, has a right to examine all the papers and records which are made available to any Select Committee. Similarly, all evidence tendered before a Committee should also be available to the House. As a matter of practical convenience, however, each Select Committee should decide what relevant documents and information, which were available to them, should necessarily be made available to all the Members of the House, so that the discussion in the House of the report of the Committee may be complete. Such documents and information will be printed and made available to the Members of the House along with the Report of the Select Committee. No document or report placed before a Select Committee should be published until it has been presented to the House.

When witnesses are summoned by a Select Committee, it must be made clear to the witnesses that their evidence would be treated as public and is liable to be published, unless the witnesses specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. It must, however, be explained to the witnesses that, even when evidence is tendered *in camera*, such evidence is liable to be made available to the Legislative Assembly.

Bills, Select Committees—contd.

The members of a Select Committee are at liberty to refer on the floor of the House to all documents and information given to the Committee A member of a Select Committee cannot, however, refer to remarks made by other members of the Committee during the course of the discussion in the Committee or to any negotiations that took place amongst the members in the course of the sittings of the Committee

The Chair hopes that this ruling will make clear the procedure of Select Committees ”

And added, when it was pointed that there was no machinery to record evidence in Select Committee, that the Select Committee should see that reporters were made available to take down the evidence —L A Deb , 15 February, 1934, pp 854-55 and 859, and 15 March, 1934, pp 2251-52

130 BILLS SELECT COMMITTEE PERMISSION OF ASSEMBLY TO BE OBTAINED BEFOREHAND IF MEETING OF A COMMITTEE IS DESIRED AT SIMLA

On the 5th November 1940, the President ruled as to the venue of the Select Committee meetings, that whenever it was desired under the present circumstances, when there was no Assembly House in Simla, that a meeting of any particular Select Committee should be held there, consent of the House to that effect should be obtained beforehand —L A Deb , 5 November, 1940, pp 103-04

131 BILLS SELECT COMMITTEE PROCEEDINGS PUBLICATION OF VERBATIM OR SUMMARY NOT IN ORDER

On the 6th March, 1940, Mr F E James drew the attention of the Chair to reports in newspapers from a certain press agency which purported to be proceedings of the Select Committee on the Excess Profits Tax Bill and asked for the direction of the Chair regarding such publication, as such proceedings were supposed to be confidential The President promised to consider the matter and gave the following ruling on the 12th March, 1940

“When the Legislative Assembly appoints a Select Committee, it directs the Committee to report its conclu-

Bills, Select Committees—contd.

sions to the House itself and it has been always understood that the proceedings of such a Committee are entirely confidential, so that what transpired during the deliberations of the Committee cannot be discussed even on the floor of the House. The press and the public are not admitted to the meetings of a Select Committee and it has never been doubted that it is a breach of privilege to publish the Committee's report before it has been presented to the House. It is laid down in the May's Parliamentary Practice (page 482)

'Both as a breach of the Commons' privileges and pursuant to the Resolution of the House forbidding the publication, no Member, or any other person, may publish any portion of the evidence taken by, or documents presented to Select Committee, which have not been reported to the House, and this rule extends equally to the report of a Committee before it has been presented to the House'

I find, however, that on the 14th April, 1934, Sir Shanmukham Chetty, in explaining the position, used the following words in one passage of his ruling

'It is essential that the press should not give publicity to detailed reports of the proceedings of a Select Committee until that report had been actually presented to the House'

It has been hinted that these words may have given rise to a misunderstanding and created an impression to the effect that while publication of a verbatim or detailed report of the proceedings of a Select Committee would constitute a violation of the privilege of the House, no such ban is placed upon publication of the gist or substance of the proceedings of a Select Committee or of some of its decisions in anticipation of the presentation of its report. Such a notion, if entertained by any one, is wholly unfounded. Sir Shanmukham Chetty's observations must be taken to have been confined to what had happened in the particular case on which his ruling was sought and where the

Bills, Select Committees—contd

offending publication was a detailed report of the Select Committee concerned. The privilege of the House covers the entire proceedings of a Select Committee and it is equally a breach of that privilege whether the proceedings or the report of a Select Committee are published verbatim or in detail or only a summary or selected portions of its proceedings or of its report is published before it is presented to the House. It is not permissible to a Member of the Select Committee or to any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusion supposed to have been arrived at finally or tentatively before the report has been presented to the House. It is equally expected of the Press to co-operate with the House in this matter and to abstain from publishing such information from whatever source it may have been received"—L A Deb, 6 March, 1940, p 979 and 12 March, 1940, pp 1183-84

132 BILLS SELECT COMMITTEE OR JOINT COMMITTEE HOUSE COMMITTED TO PRINCIPLE BY REFERENCE TO

A motion was made to refer a Bill to Select Committee to which a Member moved an amendment to refer it to a Joint Committee of both Houses and Members inquiring if the principle of the Bill could be discussed after the amendment had been disposed of,—

The President ruled "The Assembly can discuss the principle of the Bill on either motion. I may observe that, whether Sir Bhupendra Nath Mitra's motion, or Mr Wilson's motion is carried, in either case the House will stand committed to the principle of the measure, once either of these motions is carried, but the two motions now before the House leave the principle under discussion"—L A Deb, 4 February, 1925, p 745

Bills, Select Committees—contd

133 BILLS SELECT COMMITTEE NOT OPEN TO SELECT COMMITTEE TO SAY THAT IT DOES NOT AGREE WITH THE PRINCIPLE OF BILL COMMITTED TO IT

A Member when moving for re-committal of the Hindu Religious and Charitable Trusts Bill to a new Select Committee asked for a ruling as to whether it was open to the Select Committee to say in their report 'the Committee cannot accept the main principle contained in the Bill'

The President ruled "The Chair cannot lay it down as an invariable rule that in no case can the Select Committee report that the House should not proceed with a Bill committed to it. Indeed, it is easy to conceive of circumstances in which it might be necessary for the Committee to make such a report. But at the same time the Chair is quite clear that it is not open to the Select Committee to say that it does not agree with the principle of the Bill"

The Chair further pointed out "No one can take away the right of this House to revise its own decision, and this motion for recommittal affords an opportunity to the House to say whether it shall revise its decision or not —L.A. Deb 19 February 1926 pp 1541-45

134 BILLS SELECT COMMITTEE PROPOSALS IN A BILL BASED ON SPECIFIC DUTIES WHETHER OPEN TO SELECT COMMITTEE TO CHANGE TO *ad valorem* BASIS

On the motion to refer to Select Committee the Indian Tariff (Amendment) Bill Mr. A. Rangaswami Iyengar inquired whether after allowing the motion it would be open to the Assembly to discuss the alternative principles of specific duty and *ad valorem* duty or whether they should be considered to be committed to the specific duty principle embodied in the Bill if the motion was passed.

The President remarked In the sense in which the Honourable Member uses the words, the principle would be open to discussion by the Select Committee and it will be open to the Select Committee to change the character of the Bill in that particular

Bills, Select Committees—contd.

aspect Referring the Bill to a Select Committee does commit the House to the principle, but I should not care to say what precisely is the principle of this Bill"—L A Deb , 18 February, 1925, p 1196

135 BILLS SELECT COMMITTEE AMENDMENT TO CONSOLIDATING BILLS ADMISSIBILITY OF

A motion having been moved to refer to Select Committee the Indian Tolls Bill, a Consolidating Bill, a Member enquired whether it was open to the Select Committee to introduce amendments The President ruled "What I may call amendments ancillary to the process of consolidation have always been admitted, but substantial amendments are ruled out"—L A Deb , 8 March, 1924, p 1324

136 BILLS SELECT COMMITTEE SCOPE OF AMENDMENTS TO BE MOVED IN CHAIRMAN TO DECIDE WHETHER AMENDMENTS ARE IN ORDER OR NOT

During the discussion on the motion to refer the Medical Council Bill to Select Committee, the President explained that while it was permissible for Members to ascertain from Government what their attitude with regard to a particular point would be in the Select Committee, it was for the Chairman of the Select Committee to decide, when a question arose in the Select Committee, whether particular amendments were within the scope of the Bill or not— L A Deb 12 April, 1933, p 362²

137 BILLS SELECT COMMITTEE SIGNATURE OF REPORT BY ABSENT MEMBERS

On the 14th February, 1934, the President laid down the following procedure as regards authorisation of signature by absent members

"Any Honourable Member of a Select Committee, who is not able to sign the Report himself, must, if he desires so to sign, authorise either the Secretary of the Legislative Assembly Department or the Chairman of the Select Committee,—and authorise only one of these persons,—to sign the report And if it is further the intention of a member of the

Bills, Select Committees—contd

Select Committee that his signature should be appended to any minute of dissent, he must also specifically mention in that letter of authority as to which minute of dissent he wishes to sign"—
L A Deb, 14 February, 1934, pp 798-99

138 BILLS SELECT COMMITTEE REPORTS ADDITIONAL MINUTES OR MINUTES OF DISSENT SHOULD BE TYPED OR WRITTEN IN INK ON FOOLSCAP PAPER

A Member having sent his minute of dissent on slip block paper written on both sides in pencil the President referred to this in the House and remarked "With regard to the reports of Select Committees presented to the House, the Chair would request Honourable Members to send in their additional minutes or minutes of dissent either typed or written in ink on foolscap size paper, otherwise the minutes will not be taken"—L A Deb, 10 April, 1934, p 3495

139 BILLS SELECT COMMITTEE REPORT OBJECTION TO TAKING REPORT INTO CONSIDERATION WITHIN SEVEN DAYS MUST BE TAKEN WHEN MOTION FOR CONSIDERATION IS MOVED AND NOT LATER

On the 22nd April, 1936, after the Commerce Member had moved that the Indian Tariff (Amendment) Bill, as reported by the Select Committee be taken into consideration and after some Members had spoken on the motion, Sir Muhammad Yakub objected that as the Select Committee Report had been presented only the day before, the Bill had not been made available to Members for seven days as prescribed in Standing Order No 44, neither had the President suspended the operation of that Standing Order to enable it to be so taken

The President ruled The Chair thinks that the objection taken now is too late There have been a number of speeches on the motion before the House and the Chair may also say that if objection had been taken at earlier stages and if an application had been made to the Chair for waiving the Standing Orders the Chair would, in the circumstance of the case have been prepared to waive the Stand

Bills, Select Committees—contd

ing Orders The Chair thinks the objection taken now is too late"—L A Deb , 22 April, 1936, p 4444

140 BILLS SELECT COMMITTEE REPORT SCOPE OF DISCUSSION ON

A Member referring to the history of a measure on the motion to take the Select Committee Report on the Bill into consideration,—

The President remarked "The history of the measure was in order on the motion to refer the Bill to a Select Committee The Bill has come back from the Select Committee, the House has endorsed the principle of it, and the matter now in issue is whether the Report of the Select Committee be considered, and matters arising out of that All this past history may be very interesting, but it is entirely irrelevant"—L A Deb , 24 July, 1923, p 4960

141 BILLS SELECT COMMITTEE ONE CLAUSE OF A BILL CANNOT BE REFERRED TO SELECT COMMITTEE UNLESS THE BILL ITSELF HAS BEEN REFERRED TO SELECT COMMITTEE AND COMES BACK TO THE HOUSE STANDING ORDER 44 (1) (b) (11)

During the discussion of the clauses of the Finance Bill a Member sought to move an amendment to refer clause 3 of the Bill to Select Committee, whereupon the President ruled

"That is out of order, because the House cannot refer one clause of a Bill to a Select Committee unless the Bill itself has been referred to a Select Committee and comes back here Then, it is possible that one clause may be recommitted, but one clause of the Bill alone cannot be referred to a Select Committee"—L A Deb , 2 April, 1935, p 3424

142 BILLS SELECT COMMITTEE MOTION WITHDRAWN BY LEAVE OF HOUSE MOTION REPEATED IN THE SAME SESSION NOT BARRED BY STANDING ORDER 31

The motion to refer the Adoption (Registration) Bill to a Select Committee was withdrawn with the permission

Bills, Select Committees—contd

of the House Subsequently, the motion was repeated in the same Session An objection was raised that the Mover was not in order in moving this motion

The President ruled "I hold he is' The Bill was never withdrawn, the motion to refer it to a Select Committee was withdrawn, and therefore, the present motion does not come under Standing Order 31 The earlier motion having been withdrawn, the Assembly gave no decision on the merits of the question"—L A Deb , 19 July, 1923, pp 4803-04.

143 BILLS MOTION FOR RECOMMittal TO SELECT COMMITTEE NOT IN ORDER WHERE IT IS A MERELY DILATORY MOTION

On the motion to take into consideration the Select Committee Report on the Madras Port Trust Amendment Bill, a member moved that the Bill be recommitted to the same Select Committee and proceeded to discuss the various clauses of the Bill, whereupon the President intervened and observed

"I believe the Honourable Member was a Member of the Select Committee I have listened carefully to his arguments and his speech and I find that so far he is really discussing the clauses of the Bill He is putting forward arguments which might legitimately have been urged in the Select Committee and he himself was there to urge them, and I can only presume that they were so urged I have been given now a ruling of Sir Frederick Whyte to this effect This was on a similar motion for recommittal to the Select Committee

'The Honourable Member must see from the Report of the Select Committee on the Bill that they consider that they have adequately considered it The points he is raising are arguments which he may legitimately use for persuading the House to reverse the decision, if necessary of the Select Committee, and, therefore, it would appear to me to be more appropriate on each of the individual clauses which will be put at a subsequent stage

Bills, Select Committees—contd

I do not think he quite appreciates the ruling I laid down a little while ago regarding a motion for recommittal. It is the business of the Chair to protect the House against dilatory motions except where such motions are rendered necessary either by the manner in which a Select Committee have handled the Bill or by unforeseen circumstances arising since the Bill emerged from the Select Committee, and in my opinion neither of these conditions are satisfied'

And, I think, he disallowed the motion I have listened to the speech of the Honourable Member so far, but neither of these conditions are fulfilled in this case I, therefore, disallow the motion, and if the Honourable Member has nothing more to say which would justify the recommittal of the Bill to the Select Committee, the House will resume consideration of the Bill"—L A Deb, 10 November, 1941, pp 564—69

144 BILLS MOTION TO RECOMMIT BILL TO SELECT COMMITTEE DELHI UNIVERSITY AMENDMENT BILL MOTION HELD TO BE DILATORY AND THEREFORE NOT IN ORDER

On the motion to take the Delhi University Amendment Bill, as reported by the Select Committee into consideration, Dr Ziauddin Ahmad wanted to move that the Bill be recommitted to the same Select Committee. The Deputy President in the Chair wanted to be satisfied that the motion was not a dilatory motion, as, *prima facie*, it was, and pointed out that the only two grounds on which such a motion could be moved were, first, that this course was rendered necessary by the manner in which the Select Committee had handled the Bill, and secondly, that unforeseen circumstances had emerged after the Select Committee Report. Dr Ziauddin Ahmad merely said that there were certain points which he could not improve by only amending certain clauses and that they required thorough consideration. The Deputy President ruled that that was not a proper ground for allowing such a dilatory motion—L A Deb, 3 August, 1943, pp 343-44

Bills, Select Committees—contd

- 145 BILLS SELECT COMMITTEES WHEN A MOTION FOR REFERENCE OF A BILL TO A SELECT COMMITTEE IS MADE, THE NAMES OF MEMBERS PROPOSED FOR THE SELECT COMMITTEE MUST BE SUPPLIED BEFOREHAND TO THE OFFICE**

When Dr B R Ambedkar moved on 31st March 1943, that the War Injuries (Compensation Insurance) Bill be referred to a Select Committee, it was brought to the notice of the President of the Legislative Assembly that the list of names of Members of the Select Committee had not been supplied beforehand to office, and the President observed

"Before I put the motion, I ought to mention to the Assembly that it is the practice of this House that names of Members chosen for the Select Committees should be supplied beforehand to the office, before the Honourable Member moves the motion and that practice, I must insist on being conformed to by all Honourable Members of the House, Members of Government or non-official Members of the House"—L A Deb, 31 March, 1943, pp 1649, 1651-52

- 146 BILLS SELECT COMMITTEES REFERENCE TO PROCEEDINGS HOW FAR PERMISSIBLE**

During the discussion on the Select Committee Report of the Insurance (Amendment) Bill, Sir Cowasjee Jehangir commented on the propriety of members of the Select Committee not being present at Committee meetings and then criticising the report in the Assembly itself, whereupon objection was taken that what happened in Select Committee, as to who were or were not present, could not be discussed on the floor of the House The President thereupon observed

"Any discussion that has taken place in the Select Committee surely cannot be criticised here, but as to the Members who might not have been present, the Chair does not see that there is any harm in mentioning that fact"—L A Deb, 29 March, 1941, p 2161

Bills, Select Committees—contd

147 BILLS SELECT COMMITTEE MEMBERS WHOSE NAMES ARE PROPOSED AS MEMBERS OF SELECT COMMITTEE WILL NOT ORDINARILY CATCH THE SPEAKER'S EYE

On the 22nd November, 1947, while the motion for reference to Select Committee of the Dock Workers (Regulation of Employment) Bill was under discussion Mr Speaker pointed out that among the members desiring to address the House were some whose names had been proposed for the Select Committee. In his view it would be a good convention to set up that those whose names were on the Committee should refrain from speaking as it saved time and also gave an opportunity of addressing the House to others who might make suggestions which would be useful to the Committee. Such members will not ordinarily catch his eye—C A (Leg) Deb, 22 November, 1947, p 527.

148 BILLS SELECT COMMITTEE A MEMBER OF A SELECT COMMITTEE ON A BILL DID NOT SIGN THE REPORT OF THE COMMITTEE NOR AUTHORISED THE CHAIRMAN OR SECRETARY OF THE ASSEMBLY TO SIGN IT ON HIS BEHALF ADMISSIBILITY OF A MINUTE OF DISSENT TO THE REPORT BY SUCH A MEMBER

When the Report of the Select Committee on the Business Profits Tax Bill was presented to the House on the 19th March, 1947, Mr Lal, on behalf of the Government, raised the point whether the Minute of Dissent sent in by Sardar Mangal Singh who was a Member of the Committee but had neither signed the Report nor authorised the Chairman or Secretary of the Assembly to sign it on his behalf (*vide* L A Deb 14th February, 1934, pp 798-99 and Ruling No 114 in the Decisions of the Chair, 1921 to 1940), was admissible under the provisions of Standing Order 41(3). After referring to the circumstances under which the Report was not signed by Sardar Mangal Singh, the President observed that the real intention of Standing Order 41(3) was that there should not be any occasion for a Member to complain that a particular thing appearing in his name was not actually sent in by him. In the present case as the Member had sent in his signed Minute of Dissent in time and had stated in the accompanying letter that he had done so after reading the Report, the President held that it must be taken that the member really desired

Bills, Select Committees—contd

that his name should be included among the signatories to the Report, and in the circumstances the absence of an express authority for putting down his name did not render the Minute of Dissent inadmissible. The President accordingly directed the Secretary to include Sardar Mangal Singh's name as a signatory to Report subject to his Minute of Dissent—L A Deb., 19 March, 1947, pp 2149—53

149 SELECT COMMITTEE COMPETENCE OF A SELECT COMMITTEE TO CONSIDER A REVISED BILL BASED ON THE ORIGINAL BILL PLACED BEFORE THE COMMITTEE BY THE GOVERNMENT—CASE OF THE HINDU CODE

On the 31st August, 1948, when the Minister of Law moved a motion "That the Bill to amend and codify certain branches of the Hindu Law as reported by the Select Committee be taken into consideration", Mr Naziruddin Ahmad raised a point of order that the motion was incompetent on the ground that what the Select Committee considered was not the Bill that was referred to them but a totally new draft prepared by the Law Ministry. The Speaker suggesting a postponement of the consideration of the question observed

"To my mind, the pertinent question would be whether the Select Committee has done something which is taking us beyond the scope of the measure, which was intended by the House to be referred to them. It may make important changes or no changes, it may redraft or rearrange particular clauses, but it has no authority to go beyond the scope of the legislation which it was intended to refer to it for consideration and report. The question is as to what it is that was intended by the House to refer to Select Committee and whether the Select Committee has gone beyond the scope of the reference."

"I am not deciding this matter at all. I am keeping open the whole thing including the point of order because it will be seen that it involves large questions of fact and I must study all these things myself, which I have not yet done."

Thereafter (though for a different reason) a motion was adopted postponing the consideration of the question.

Bills, Select Committees—contd

Subsequently when the Hindu Code was taken up for consideration on 17th February, 1949, Pandit Thakur Das Bhargava reinforcing Mr Naziruddin Ahmad's point of order on the previous occasion observed that the proceedings before the Select Committee was an abuse of the rules of the House and that the privilege of the House had been violated by the Select Committee and by the procedure of the Law Department, because another Bill was considered and not the Bill which was referred to it by the House as was, in his opinion, evident from certain remarks or observations in the Select Committee report.

Over-ruling the objections raised, the Speaker observed

"The Point of Order that the Honourable the Law Minister's motion for consideration of the Select Committee Report on Hindu Code is incompetent, as raised by the honourable member Mr Naziruddin and supported by a few other members on 31st August 1948, is based on a narrow limit of facts. The objection raised is presented as a chain of reasoning in the following form:

"What the Select Committee considered was a 'substitute' of the original Bill in the form of a 'revised draft'. Therefore the Select Committee did not consider the Bill referred to it, but a 'new document', and the present report of the Select Committee, being a report on a new document, there is no Select Committee Report on the original Bill. The Honourable the Law Minister's motion for consideration of the Bill, as it emerged from the Select Committee, is, therefore, incompetent." That is the substance of the Point of Order I believe I have stated the point correctly.

None of the members who raised or supported the Point of Order, were members of the Select Committee and naturally, therefore, have no personal knowledge as to what was considered at the meetings of the Select Committee. They, therefore, relied upon some statements in the report of the Select Committee and inferred that the original

Bills, Select Committees—contd

Bill, as referred to the Select Committee, was not taken into consideration by them

The question thus raised is purely a question of facts, namely, whether the Bill referred to the Select Committee, meaning thereby the various substantive provisions thereof, as distinct from the form or sequence in which they were put, were or were not considered by the Select Committee, whether the Select Committee, did or did not apply their mind to the substantive provisions of the Bill as referred to them

It is not disputed that the Select Committee had a right to add to or to delete from or to improve upon the provisions of the Bill as referred, provided the additions, deletions or improvements, etc suggested by the Select Committee are, within the scope of the Bill I need not, therefore, enter into this aspect, as no such question about the Select Committee having gone beyond the scope of the Bill is raised before me

I may now examine, in the light of the written as well as oral evidence before me, the statement of facts as formulated by the honourable members who have raised the Point of Order

I may shortly state the facts as to how the Bill that was introduced came to be framed As stated in the Statement of Objects and Reasons, the Central Government, by their Resolution dated the 20th January 1944, 'appointed a Hindu Law Committee for the purpose of formulating a Code of Hindu Law, which should be complete, as far as possible' This was done in pursuance of a 'growing public opinion in the country in favour of a consolidated and uniform Code dealing with the different topics of Hindu Law for all the provinces and for all sections of the Hindu Society' It was also felt that in view of the 'present conditions and trends in Hindu Society, there is a great need to alter the law so as to make it fit the new pattern, to

Bills, Select Committees—contd

which the Hindu society seems to be rapidly adjusting itself'

When the motion for reference of the Bill to the Select Committee was carried on 9th April 1948, there was hardly any time for honourable members to express themselves on the substance as well as the form and the drafting of the Bill. The Ministry of Law, having felt that the Bill 'as drafted by the Hindu Law Committee did not conform to the canons of a Code', decided to revise the draft of the Bill and to remove those defects, so as to enable one to have 'a full and complete picture of the provisions of the Code'. They, therefore, undertook the task of re-arranging the parts and divisions of the original Bill in consecutive sections and in a logical sequence, and also made some further suggestions as they thought proper for consideration by the Select Committee. The Ministry of Law simply placed before the Select Committee a sort of a proper form in which the original Bill could have been shaped by the Select Committee themselves at their meetings or they could have directed the draftsman to carry out the changes.

It may be noted here that, while circulating the Code in a revised form, the Ministry of Law supplied to the members of the Select Committee an index also giving therein, for facility of reference, the place of a section in the revised Code with the corresponding section in the original Bill, as prepared by the Hindu Law Committee. The Members of the Select Committee had thus before them, at all times and at every stage, the provisions of the Code as contained in the original Bill. The Ministry of Law further invited the attention of the Members of the Select Committee to changes of substance suggested by them in the revised draft. It was, therefore, clear that at all stages of deliberations by the Select Committee of the provisions of the Bill, both the revised and the original were before them and the deliberations had proceeded on a comparative study of the original provisions.

Bills, Select Committees—contd

and the provisions contained in the revision as suggested by the Ministry of Law

Coming to the question of evidence as to the above facts, the only member of the Select Committee who spoke with reference to the Point of Order was, Pandit Balkrishna Sharma. Pandit Balkrishna Sharma stated in the House "The Bill which the House asked us to consider was always before us" The evidence on record consisting of the main report, as also the dissenting minute amply support this statement. The honourable members, who have raised this objection, relying upon passages in the Select Committee Report or the Dissenting Minutes seem to take certain passages out of the context and by themselves. This is what the main report says

"We, the undersigned, having considered the Bill"—not the revised draft—"have now the honour to submit, etc"

This is how they begin the Report

They speak of having considered the Bill and not the revised draft. But further they say as follows

"The Draft Hindu Code, as introduced in the Legislature did not receive any departmental scrutiny prior to its introduction and the Ministry of Law have now produced a revised draft, which, in our opinion, is more satisfactory in several respects. This revised draft does not make any substantial changes in the body of the original Bill, but within the framework of the original Bill, it has recast it so as to be in the form in which Bills are usually presented to the Legislature"

So it will be clear that the Select Committee had applied their mind to the original Bill and had come to the conclusion that there was revision thereof not in substance but in respect of the form only

Bills, Select Committees—contd.

They also mention the reasons why they considered the revised draft as better than the original one, and then they say

"Consequently we decided to confine our deliberations to the revised draft of the Bill"

The word "consequently" is important. Having seen the substantive provisions of the original Bill and the revised draft, it was natural and more appropriate to deliberate on the revised draft, which was nothing else than the substance of the original Bill in an improved form. The Select Committee further say

"References are given in the margin to each section indicating the corresponding section in the original Bill"

This is a further cogent proof that, though their deliberations were confined to the revised draft for finalising their conclusions, they had before then the view of each and every clause of the original Bill. This is made further very clear in the notes on clauses in which they deal with various parts and clauses of the Bill and state with reference to each part or clause the corresponding part or clause of the original Bill

The joint minute of dissent of Dr Bakhshi Tek Chand and Pandit Balkrishna Sharma says in passing at one place, that what the Select Committee considered was, the revised draft and not the original Bill. This has to be interpreted in the light of what has been said above. The place where they make a mention of the revised draft being considered the point of their contention is that the changes suggested by the revised draft were not merely changes of form, but related to matters of substance. It may be remembered that, in their detailed and the able minute they did not make any point that the original Bill was not considered by the Select Committee. Whether the changes suggested by the revised draft are good or otherwise is the point they are making in their minute of dissent

Bills, Select Committees—contd

On the facts, therefore, as disclosed by records I am clear that the Select Committee had given full and due consideration to the substantive provisions of the Bill that was referred to them, and the present motion of the Honourable the Law Minister is, therefore, competent and in order"—C A (Leg) Deb, 31 August 1948, pp 778—80 and 17 February, 1949, pp 614—621

150 BILLS SELECT COMMITTEE SELECT COMMITTEE PROCEEDINGS CANNOT BE PUBLISHED UNLESS FIRST PRESENTED IN PARLIAMENT

On the 27th March 1950, after the presentation of the report of the Select Committee on the Bill to give effect to the financial proposals of the Central Government for the year beginning on the First day of April 1950, the Speaker observed —

"In this connection, I may state to the House that my attention was invited by the Deputy-Speaker who was the Chairman of the Select Committee to a publication of the proceedings of the Committee or some parts of it in the morning edition of the "Statesman" yesterday. I wish to invite the attention of the press to the fact that it is a breach of the privilege of the House to give publicity to proceedings of its Committees before their reports are presented to the House. The Deputy-Speaker requested me to consider the matter and I promised him that I would take up the matter. But in the meanwhile I have received a letter of unconditional apology from the printers office. And the writer says "I referred to the conclusions of the Select Committee on the Finance Bill. I understand this morning that a reference of the Bill was improper. I am issuing a statement of this error, I wish to assure you that it will not be committed in future. I hope that it will not be repeated". I am taking steps to make sure so that the press may be informed that this may not recur and they may be informed in advance as to what is printed and in what form.

Bills, Select Committees—concl'd.

not a matter of the privileges of the House"—
Par Deb, Part II, 27 March, 1950, p 2187

Joint Committees**151' BILLS JOINT COMMITTEE AMENDMENT RELATING TO COMPOSITION OF COMMITTEE ON THE COUNCIL OF STATE SIDE OUT OF ORDER**

On the motion to refer the Reserve Bank Bill to a Joint Committee, a Member sought to move an amendment that the majority of the members allotted to the Council of State should be elected members, whereupon—

The President ruled "Under Rule 42, this House can only recommend to the Council of State that a Joint Committee be set up, and this House has no power to restrict the right of the Council of State to determine the composition of that Committee and therefore this amendment is also out of order"—L A Deb, 13 September, 1933, p 1508

Third Reading**152 BILLS THIRD READING SCOPE OF DISCUSSION ON**

Speaking during the third reading of the Bamboo Paper Industry Protection Bill, a Member proceeded to go into great detail, when—

The President intervened and ruled "The Honourable Member has to speak to the motion that the Bill be passed All these details have been fully thrashed out during the discussion which took place at earlier stages The Honourable Member must now confine himself to supporting or opposing the Bill"—L A Deb, 24 February, 1932, p 1154

153 BILLS THIRD READING SCOPE OF DISCUSSION ON

Speaking during the third reading of the Insurance Amendment Bill, a Member started a discussion of the same question which was raised on a clause of the Bill during the second reading The President ruled

"It is of course competent to the House to reject a Bill even at the third reading and therefore to

Bills, Third Reading—contd

comment on the Bill as a whole. But it is entirely different from going into details and repeating a discussion which has already taken place"—L A Deb , 28 February, 1946, p 1691

154 DEBATE RIGHT OF MEMBER TO SPEAK AT THE THIRD READING STAGE OF

At the third reading stage on the Bill to provide for the control of the sale, supply and distribution of drugs on 31st March, 1950, Shri Hossain Imam, while admitting that it was not usual to make a speech on this occasion, wished to draw the attention of the hon Minister to certain lacuna in the Bill, which the latter may rectify under rule-making powers

The Speaker remarked

"But I am afraid it will be introducing a rather inconvenient precedent in this House if I were to allow a speech of that type on the Third Reading stage. The Hon Member may make his suggestions to the hon Minister, and I am sure the hon Minister will give due attention to whatever suggestions are made"—Par Deb , Part II, 31 March, 1950, p 2372

BUDGET

General

155 BUDGET DEMANDS FOR GRANTS VARIATION IN THE ORDER IN WHICH THEY APPEAR ON THE ORDER PAPER WHEN CAN BE MADE

On the 13th March, 1925, when the Demands for Grants were under discussion the Government agreed to the proposed arrangement that if Demand No 28 was not reached on that day then it should be taken up first on the next day. On a point of order being raised that it was the right of the Chair to take the demands in any order it thinks proper, the President explained the position as follows

"On a Government day the Government is in sole charge of business (Standing Order 7) It is not

Budget, General—contd

so much for the Chair to decide in what order the demands should be taken, as for the Government and the opposition between them to decide as a matter of convenience how they will proceed I do not say that the Chair is bound to accept such agreement but, as a matter of convenience, if the two sides of the House agree that the Demands should be taken up in a certain way, the Chair is always ready to meet the convenience of the House on that matter"—L A Deb, 13 March, 1925, pp 2271-73

156 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION CANNOT BE MOVED BY PROXY

On the 16th March, 1921 Dr Nand Lal wished to move a motion for reduction standing in the name of Rai Bahadur J N Majumdar Government asking for a ruling as to whether this could be done,—

The President ruled "Under the Rules, he is not allowed to take over a motion from some one else"
—L A Deb, 16 March, 1921, p 1147

157 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION NOT NECESSARILY MOTIONS FOR CENSURE

During the discussion on the Demands for Grants, after a cut motion regarding the inadequate representation of Muslims in certain Central Services had been debated and withdrawn, the President made the following observations about reduction motions

"The Chair may mention that, so far as these cut motions are concerned, they are not necessarily motions for censure The practice has always been to raise questions for discussion as regards the working of the administration by a token cut like this Though ordinarily a cut motion is intended by way of censure, it need not necessarily be so"—
L A Deb, 13 March, 1939, p 1994

158 BUDGET GENERAL DISCUSSION SCOPE OF

During the general discussion on the Budget a member after speaking on various proposals in the budget proper,

Budget, General—contd

proceeded to refer to the political deadlock prevailing in the country whereupon the President reminded him that speeches must have some bearing on the budget and that he would have other opportunities for discussing those things—L A Deb 4 March 1941, pp 974-75

159 BUDGET DEMANDS FOR GRANTS PUTTING DEMANDS TO VOTE IN SHORTER FORM AFTER GUILLOTINE HAD BEEN APPLIED

After the discussion on the cut motions on Demands had been concluded and the guillotine had been applied, the President announced

'In putting the remaining demands to the vote of the House I propose not to repeat the words 'to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, which occur in each of the 82 Demands. In this way unnecessary repetition will be avoided and much time will be saved. Honourable Members know quite well that the votes on these demands are required for the financial year ending on the 31st March 1944. In the proceedings however, each question put by me will be recorded in its present form *that is*, including the words which I have considered unnecessary to read out each time"—
L A Deb, 10 March, 1943 p 960

160 BUDGET DEMANDS FOR GRANTS NEW PROCEDURE FOR MOVING

Budget, General—contd.

161 BUDGET DEMANDS FOR GRANTS PUTTING TO VOTE OF THE HOUSE ALL OUTSTANDING DEMANDS FOR GRANTS ON THE LAST DAY OF THE BUDGET PROCEDURE FOR

At 5 P M on the 14th March, 1947, which was the last day allotted for the voting of the demands for grants in respect of the General Budget, the President said that (following the procedure in the case of uncontested clauses of a Bill) instead of putting each demand before the House separately, he proposed to put all the outstanding demands collectively to the House If any particular demand was objected to he would put it separately The House having agreed to the proposal the President enquired if any demand was going to be opposed On a Member objecting to demand No 30 the President put all the outstanding demands with the exception of demand No 30 (which was put afterwards separately) to the House in the following form—

“That the separate sums not exceeding the sums shown in the third column of the Order Paper except the sum shown against Demand No 30 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1948, in respect of corresponding demands entered in the second column thereof”

The President further directed that each demand should be printed separately in the proceedings and the demands were printed as usual—L A Deb, 14 March, 1947, pp 1958-59

162 DEMANDS SCOPE OF FINANCE MINISTRY SCRUTINISING DEMANDS OF THE HOUSE

On the 23rd December, 1949, a Member enquired whether it would be contrary to Parliamentary Practice if the Finance Ministry were to scrutinise Demands for expenditure received from the President of the Constituent Assembly or the Speaker

The Speaker said

‘I should be inclined to think that when the Speaker or the President of the Constituent Assembly sends

Budget, General—concl'd

his proposals, the Finance Ministry may look into them and discuss them, but ultimately in regard to the desirability or necessity of a particular item of expenditure the opinion of the Speaker or the President will prevail"—C A (Leg) Deb, Part II, 23 December, 1949, p 1001

163 DEMANDS FOR GRANTS PROCEDURE FOR MOVING DEMANDS WILL BE ASSUMED TO HAVE BEEN MOVED AND BE PROPOSED FROM THE CHAIR

On the 20th December, 1950, when the Demands for Supplementary Grants in respect of Railways came up for consideration, the Speaker observed that as there was only one demand with regard to which there was a cut motion he would place that demand before the House, implying thereby that in accordance with the usual practice other Demands should be taken as having been placed before the House

Pandit Kunzru submitted that the Minister in-charge had not placed the Demand formally before the House, and that irrespective of the past practice, it would not be right for the Speaker to place the Demand before the House before it had been formally moved by the Minister concerned

The Speaker thereupon observed

"I am now following the procedure we have been following for more than two years there is nothing new about it It is not a question of the Chair moving it We have been following the practice which is followed in the House of Commons and two years back when we changed to this method, I made a statement on the floor of the House that the demands will be assumed to have been moved and they will be proposed from the Chair, so that the time of the House may be saved But it is perfectly competent for the hon Minister to make a statement in the beginning, if the House and if he also, so desires If that is the point of making him move it, then for that purpose he need not necessarily move it"—Par Deb, Part II, 26 December 1950 Col 2064-65

Motions for Reduction

164 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION REDUCTION MOTIONS TO BE ARRANGED IN THE ORDER PAPER ACCORDING TO THEIR AMOUNTS TOKEN CUTS TO BE ARRANGED IN THE ORDER IN WHICH THEY ARE RECEIVED IN THE OFFICE

During the discussion on the Railway Demands on the 24th February, 1931, it was pointed out by Mr. B Das that

It has been the practice hitherto, in arranging token cuts, to put those first which embrace the whole railway management, and then the smaller cuts. This time I find that it has been arranged in the way as it has been received by the Department. I only want to point out that this year it has not been done in the same way as it has been done in past years, whereupon—

The President remarked “The procedure followed by the office is exactly what was followed before. The point that the Honourable Member has raised deals with retrenchment motions, and if he will observe the Order Paper, he will find that because his motion of retrenchment was for Rs 1,15,000 it was put above the one for a lakh of rupees. As regards token cuts, they are arranged in the order in which they are received, and it would be extremely difficult for the office to follow the procedure that the Honourable Member suggests. It is easy to determine the precedence in regard to amounts, but it is very difficult to determine the relative precedence as regards the subject-matter dealt with in a particular token cut”

Mr. Das submitted that what he meant was a motion which dealt with the future constitution of the Railway Board and which was more comprehensive than the issues raised in some of the other motions

The President ruled “That will come in due course. It can only be dealt with in the order in which it appears on Order Paper, and I hold that the

Budget, Motions for Reduction—contd

Order Paper has been correctly prepared"—L. A. Deb, 24 February, 1931, p 1173

- 165 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION CLASSIFICATION AND MEANING OF PRIORITY.**
MOTION FOR A TOKEN CUT SHOULD RELATE TO ONE SPECIFIC GRIEVANCE ONLY

On the 1st March, 1932, when the second stage of the Railway Budget was taken up, the President explained the position with regard to reduction motions as under

"Before taking up the Demands for Grants, the Chair wishes to invite the attention of Honourable Members to the large number of cut motions of which notice has been given. Honourable Members are no doubt aware that cut motions are usually divided into three categories. One is to reduce the amount of the Demand to a nominal figure of one rupee or less. Such motions are intended to refuse supplies for redress of grievances, and no motions of cuts of that character can be entertained except for that purpose. There are two ways of dealing with refusal of supplies with regard to each Demand. One is to oppose the whole grant and reject it, the other is to move a motion of reducing the Demand to a nominal figure. Motions for practical elimination of the whole grant cannot be moved for the purpose of drawing attention to any specific grievance. Attempts appear to have been made to get priority of discussion by moving for whole cuts and in one case, Honourable Members will observe, the cut motion proposes to reduce the amount of Demand to one pie. It is obvious that no Honourable Member wishing to give notice of a cut motion could have possibly gone below that figure. This, it appears to the Chair, is not the right method of getting priority, and the Chair does not propose to allow cut motions for ventilating specific grievances in this form. All motions for practical elimination of the whole Demand will be entertained on the only ground that the Honourable Member wishes to refuse supplies because he does . . ."

Budget, Motions for Reduction--contd

not approve of the whole policy underlying that Demand In no other case such cut motions will be allowed

The second form of cut motions is for the purposes of economy or effecting retrenchment If any Honourable Member feels that the amount of Demand asked for by Government is excessive, he is entitled to move that that amount be reduced by any sum he may decide to fix with a view to effecting economy While discussing such motions, it would be relevant to discuss only how that economy can be effected Here again an attempt to get priority by proposing a large cut to ventilate a specific grievance will not be allowed

The third form is to move a cut motion for a nominal figure in order to ventilate a specific grievance Honourable Members are entitled to fix that nominal or token cut at such figure as they like, but having regard to the ruling which I have given today, and in order to facilitate the arrangement of priority for such motions it would be desirable if Honourable Members adopted a uniform figure of cut, say Rs 100 In that case they would be able to ventilate a specific grievance The Chair has noticed that in some cases Honourable Members have given notice of a cut motion trying to ventilate more than one grievance In such cases it would be difficult for Honourable Members to exercise their right of vote The Chair therefore desires that Honourable Members, in giving notice of cut motions, will restrict themselves to one specific grievance There is no limit to the number of cut motions which an Honourable Member may wish to move for the purpose of ventilating specific grievances on the floor of the House That being so, he should restrict himself to one grievance in each cut motion so that the House may be able to discuss and vote upon that one issue I trust I have made the position quite clear in regard not only

Budget, Motions for Reduction—contd

to the Railway Budget but also in regard to the General Budget”

Consequently two motions, which reduced the whole grant to one pie, were disallowed as the movers wished to ventilate particular grievances and not to refuse supplies

Shortly after, another Member rose to move a cut of Rs 50,000 in the Railway Board Grant for a specific purpose, when—

The President pointed out that that motion would be in order “If the speech which he makes in support will be for the purpose of effecting economy to the extent of Rs 50,000”, but not with the object of moving a vote of censure, and that there was ample opportunity of dealing with censure motions on the numerous token cuts which appear on the order paper—L A Deb, 1 March, 1932, pp 1321-23 and 1330-31

166 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION NON-VOTED ITEMS GOVERNOR GENERAL, THE DECIDING AUTHORITY AS TO WHAT ARE NON-VOTED ITEMS

On a Member raising a point of order that a certain item of expenditure shown as non-voted should really come under voted, the President remarked that the point of order was one which could not be settled by the Chair. If there was a point really in doubt the decision rested with the Governor General and with nobody else—L A. Deb, 13 March, 1923, pp 3341-43

167 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION OMNIBUS MOTIONS FOR OUT OF ORDER

During the discussion on the Demands for Grants, Dr H S Gour moved that all demands be reduced by ten per cent and Government asking for a ruling as to whether such a motion was in order,—

The President ruled “A motion of this kind cannot be put from the Chair. The only motions which can be put from the Chair are those which refer to each individual grant * * * The motion as it stands is not in order. A general motion cannot be taken

Budget, Motions for Reduction—contd

under an individual demand for grant"—L A Deb, 14 March, 1922, pp 3047-48

168 BUDGET DEMANDS FOR GRANTS MOTIONS FOR OMISSION OF WHOLE GRANT NOT IN ORDER

On the 9th March, 1927, on the second stage of the Budget the President ruled that no motion for omission of a whole grant, either in the Railway or General Budget, was admissible—L A Deb, 9 March, 1927, pp 1913-14.

169 BUDGET DEMANDS FOR GRANTS MOTIONS TO OMIT GRANTS OUT OF ORDER

Mr Chaman Lall proposed a cut of the entire votable amount under "Army Department", when objection was taken that this was not in order

The President upheld the objection and upon the Mover contending that the whole grant was larger than the portion he was seeking to reduce, the President pointed out "Yes, if votable and non-votable parts are taken together, but no Demand has been made for the non-votable part"—L A Deb, 14 March 1927, pp 2202-03

170 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION TEST OF RELEVANCY OF DISCUSSION

During the discussion on a reduction motion under the "Department of Industries and Labour", a Member referred to the question of labour disputes in Bombay, and objection being taken, that the settlement of labour disputes was a provincial subject,—

The President observed "It is not always easy, as the Honourable Member knows, to say what is in order and what is not. A very good test is whether the Honourable Member to whom a question is put is in possession of the information and can answer it, and secondly, whether administrative action on his part could settle the trouble to which reference is made"—L A Deb, 14 March, 1924, p 1769

Budget, Motions for Reduction—contd

171 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SCOPE OF DISCUSSION

A Member proceeding to discuss the salt tax under a motion to omit the demand under the head 'Salt',—

The President ruled that he could not do so, and said
 "The Honourable Member is not in order in discussing the salt tax. By refusing this demand he is putting in a stopper upon all operations. If he wants to refer to the salt tax he can do so under the Finance Bill when that comes on. This relates to the administration and has nothing whatever to do with the levy of taxation"—L A Deb, 10 March, 1924, p 1424

172 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SCOPE OF DISCUSSION

On a motion to reduce the Demand under "Emigration—Internal", Mr N M Joshi proceeded to discuss the relevant legislation

The President ruled that the discussion should be confined to the manner in which the law was administered

Mr Joshi, however, still pursuing the point that certain legislation ought to be repealed,—

The President remarked "I pointed out to the Honourable Member that the amendment or repeal of existing laws is not within the scope of Budget debates. The scope of these debates is limited to the administration of the *existing* law by the Departments of the Government of India"—L A Deb, 15 March, 1924, p 1857

173 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SCOPE OF DISCUSSION

On a motion for reduction under the head "Working Expenses Administration", a Member proceeded to discuss general railway policy

Budget Motions for Reduction—contd

When the President intervened and observed "I would be failing in my duty if I were not to point out to the Honourable Member that he ought to make a distinction between the general discussion on the Railway Budget and the particular cut which we are now discussing. It is not right that the discussion on a particular cut should be turned into a general discussion of policy. If the Honourable Member is supporting the cut of 2 crores proposed by Mr Prakasam, he must come to particulars and not go on generalising"—L A Deb, 26 February, 1927, p 1401

174 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SCOPE OF DISCUSSION

Before taking up reduction motions on the 9th March, 1934, the President pointed out that the scope of debates under cut motions was limited to the administration of the existing law by the Departments of the Government of India—L A Deb, 9 March, 1934, pp 1915-17 and 1949

175 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SCOPE OF DISCUSSION

On the 22nd February, 1935, the President after reviewing previous rulings and practice ruled that on motions for reduction of a particular grant it is only questions of administration that could be discussed—L A Deb, 22 February, 1935, pp 1227-36

176 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION NO RIGHT OF REPLY TO MOVERS OF

After the Government Member had replied to a reduction motion to a demand under the Railway Budget, the Mover got up to reply when the President intervened and said that he had no right of reply. Mr Abdul Matin Chaudhury pointed out that a right of reply had been given before, but the President observed

"That is not the general practice"—L A Deb, 27 February, 1936, pp 1747-48

137

Budget, Motions for Reduction—contd

177 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION SOME GOVERNMENT MEMBER TO TAKE PART IN DEBATE AT AN EARLY STAGE ADVISABILITY OF SUCH COURSE

During the discussion on the List of Demands in the Railway Budget, Mr Satyamurti pointed out that it caused great inconvenience to non-official Members when the Government Member gave his reply at the end of a debate on a cut motion inasmuch as with his speech the debate ended and the House was called upon to record its verdict on the motion thereby depriving the Opposition of an opportunity to rebut the statements made by the Government The President observed

“The Chair will certainly point out to the Treasury Benches that it is advisable that, at an earlier stage of the debate, some of their Members should take part in the debate so that the other side might know where they stand and what the view of the Government is”—L A Deb , 25 February, 1937, p 1079

178 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION CANNOT BE MOVED IF THERE IS NO TIME FOR PROPER DISCUSSION OR DIVISION

A member wanted to move a reduction motion within a few minutes of the expiry of the time allotted to his party, when the President pointed out that only four minutes were left of the time allotted and that there could be no division or discussion on it within that period and therefore disallowed the motion—L A Deb , 25 February, 1942, pp 512-13

179 BUDGET DEMANDS FOR GRANTS MOTIONS FOR REDUCTION CANNOT BE MOVED TO DISCUSS ACTION OF CHAIR IN ANY MATTER

A Member gave notice of a reduction motion to discuss the “curtailment of the privileges of members—Procedure regarding questions and right of reply to the mover of an amendment”, the President ruling it out of order, observed

“So far as this matter is concerned, the President acts according to the Rules and Standing Orders If there is anything wrong in the Standing Order, then

Budget, Motions for Reduction—contd

there is a special procedure provided for amending the Standing Order. So far as the way in which the Chair discharges its duty is concerned, it cannot be the subject of a cut motion like this. That question has to be raised by a substantive motion. This is a well-known Parliamentary practice and it has been enunciated in this House more than once."

The member explained that he wished to express, with the permission of the Chair, the defects in the working of those arrangements, whereupon the President remarked

"That, the Honourable Member can raise only by a substantive motion. The Honourable Member cannot discuss the way in which the Chair exercises its duties either as the President of the Assembly Department or in the House except by a substantive motion. That is well established if the Honourable Member will look up the rulings"—L A Deb, 6 March, 1942, p 772.

180 CUT MOTIONS PERMISSIBILITY OF RAISING IN RESPECT OF THE HOUSE OR THE ARRANGEMENTS TO BE MADE BY THE HOUSE

On the 23rd December, 1949, a Member sought to move a Cut Motion to a Supplementary Demand in respect of the Constituent Assembly

The Speaker remarked

"As regards the Cut Motion which the Honourable Member sought to move, he ought to know that under the Parliamentary practice, it is not permissible to have any motion of that type in respect of the House or the arrangements to be made by the House."

"The Honourable Member will remember one further distinction so far as this Demand is concerned. This particular Demand relates to what has been done under the supervision or orders of the Honourable President of the Constituent Assembly. Therefore, under Parliamentary practice, any discussion of that type will not be open here, ought

Budget, Motions for Reduction—contd

not to be open here. But as the demand is made, the only thing that can be done is that information as to details, so far as can be available with the Honourable the Finance Minister will be given to Members. I do not propose to allow any further discussion or any further comments on this.

"The usual course followed is that the Members can see the Honourable the President of the Constituent Assembly and discuss with him and get from him such further information as they want. That is the practice so far as the Budget of this House also is concerned. No cut motions can be moved"

—C A (Leg) Deb, Part II, 23 December, 1949, pp 997-98

181 CUT MOTION DEBATE ON SUPPLEMENTARY AND EXCESS GRANTS RESTRICTION OF DEBATES TO PARTICULARS CONTAINED IN THE ESTIMATES

On the 27th March, 1950, when Shri R Velayudhan was speaking on his cut motion, on retrenchment policy followed in regard to Scheduled Castes in the Home Ministry for the last half year, the Speaker observed that he could not discuss the general policy on these Demands for additional Grants.

At this stage Dr Deshmukh raised a point of order and stated that it was quite in order for the House to decide that a sum of Rs 100 might be cut out of this Demand on the ground that retrenchment in respect of the Scheduled Castes had not been properly carried out, and therefore, he did not think it was correct to pin the hon Member down to specific items of expenditure and that retrenchment was a thing for which there can be no provision in any demand.

The Speaker ruled. In this case, it is the question of retrenchment of personnel that has been raised. Now, the hon the Home Minister, or any Minister for the matter of fact, need not seek the approval of the House for any reduction in expenditure. He has come asking for more funds. A cut motion could *prima facie* be moved on the assumption that there may have been, notwithstanding retrenchment on the one hand, need for an additional sum.

Budget, Motions for Reduction—concl'd

for some other additional staff When I allowed him (Shri Velayudhan) to speak on the point mentioned in the cut motion, in the beginning, I expected that he would speak on the particular point he had mentioned in it But I found that he was trying to discuss the general policy with regard to the Members of the Scheduled Castes Now the scope about discussion in the Supplementary Demands is laid down in the *Decisions from the Chair* I remember I have also referred to this many times before

"The debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought and to the application of the items which compose those grants, and the debate cannot touch the policy or the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained, except so far as such a policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates"

If I were to permit discussion again by the far-fetched argument which the hon Member has urged, this will again be a general discussion on the Administration We are not concerned here with that now, and that is the reason why I cannot uphold the point of order raised by the hon Member nor can I permit a discussion beyond the scope of the items —Par Deb , Part II, 27 March, 1950, pp 2194-96

Excess Grants

182 BUDGET EXCESS GRANT RESUBMISSION OF DEMAND REJECTED IN A PREVIOUS SESSION IN ORDER

On the 12th September, 1939, the Finance Member moved a demand for an excess grant in respect of Ajmer-Merwara, which had been negative in a previous Session Objection was taken that the demand having been rejected once should not be brought up again, but it was pointed out that Standing Order 31 debarred only the bringing forward of such a motion during the same Session The President having

Budget, Excess Grants—contd

considered the matter held the motion in order and observed

"The House will remember that the Chair promised to give a ruling on the question whether the motion for an excess grant relating to Ajmer-Merwara, which is down on the agenda paper for today, was in order. As the Chair was not aware of any case in which a motion for an excess grant, having been once negatived, an identical motion was entertained at a later Session, the Chair wanted to consider what is the proper procedure to be followed in such circumstances Standing Order 31 prohibits a motion which raises a question substantially identical with the one on which the Assembly has given a decision in the same Session and, therefore, implicitly permits such a motion if made in a subsequent Session. The general practice with reference to motions relating to Bills and other matters has always thus been based on the principle that the House is free to entertain any motion which has not been expressly prohibited by any Rule or Standing Order. The motion is in order"—L A Deb, 12 September, 1939, pp 505-06, and 19 September, 1939, p 684

Supplementary Grants

183 BUDGET SUPPLEMENTARY DEMANDS DEMAND FOR MONEY ALREADY SPENT IN EXCESS OF VOTED GRANT SHOULD NOT BE MADE BY WAY OF BUT IN THE FORM OF AN EXCESS GRANT

On a motion for a supplementary demand under Railways (Appropriation from Depreciation Fund) the President pointed out that for monies already spent motions in that form should not be made

Sir George Rainy explained that that had been the usual practice and that the greater part of the supplementary demand asked for had already been incurred

The President thereupon observed "I think the Honourable Member will agree with me when I say that if money has been spent already in excess of

Budget, Supplementary Grants—contd

the grant voted by this Assembly, the Government can only come by way of a motion for excess grant. That is, as I understand, the right Parliamentary procedure. However, as the Honourable Member points out that this practice has been in vogue for the last few years, I do not wish to raise any objection at this stage, but will see that the procedure is regularised in future"—L A Deb, 16 March, 1929, pp 1989-90

184 BUDGET SUPPLEMENTARY DEMANDS FULL DETAILS SHOULD BE SUPPLIED TO THE STANDING FINANCE COMMITTEE

During the discussion on a supplementary demand, a Member referred to the details making up the demand, and to the absence of proper explanation under the various heads, whereupon the President remarked that 'all these matters of detail ought to be supplied to the Standing Finance Committee in the first instance', and added

"Before putting the question to the House, the Chair would point out that whenever a supplementary demand of this extent is made, it is but fair and, indeed, necessary that proper explanations should be given why this expenditure in excess of the original demand is incurred. It is not possible for this House to examine the details of expenditure, but it is the function of the Standing Finance Committee of this House to examine the details, and the Chair does think that in every case like this, full details ought to be supplied to the Standing Finance Committee"—L A Deb, 25 March, 1939, pp 2779-81

185 BUDGET SUPPLEMENTARY DEMANDS (1) FOR TRANSFER FROM REVENUE TO A SUSPENSE ACCOUNT (FUND FOR THE DEVELOPMENT OF BROADCASTING) HELD IN ORDER (2) RECOMMENDATION OF GOVERNOR GENERAL NEED NOT BE SEPARATELY COMMUNICATED TO LEGISLATIVE ASSEMBLY IF ALREADY COMMUNICATED TO FINANCE DEPARTMENT (3) "NEW SERVICE" EXPLAINED

On a supplementary demand for the Broadcasting Development Fund, Mr Satyamurti raised a number of

Budget, Supplementary Grants—contd

points of order, first that no recommendation of the Governor General for the appropriation of the money had been communicated to the Assembly, secondly, that the demand was not properly a "demand" as it was not for the current year, and the expenditure was not to be confined to the current year, thirdly, that it was not in order to create a new demand as Broadcasting had already been included in an existing Demand, and lastly, that it was not a Supplementary Demand within the meaning of Rule 50(1) (i), since there had been no original grant and there could therefore be no Supplementary Demand. It was contended on behalf of Government that as the expenditure would appear in the revenue accounts of the year, the vote of the Assembly was required to the creation of the Fund, which was analogous to the Road Development Fund, that it amounted to a new service practically, though there was an item "Broadcasting" in an existing Demand, that it was put under a new Demand so as to give greater control to the Legislature and that details and particulars would be placed before the Standing Committee for approval in due course. As regards the recommendation by the Governor General, the recommendation was with the Finance Department and the blue book of Demands was a sufficient communication. After allowing discussion on the points raised, the President gave his ruling as follows

"The first question is that there has not been compliance of section 67A clauses (1) and (2), because there has been no communication made by the Governor General to the Assembly recommending this appropriation. As regards that, the Chair does not find anything in the law or Rules or Standing Orders saying that a recommendation of the Governor General for a certain appropriation of revenues must be made to the Assembly through the Chair and the Chair is informed that the recommendation has already been received by the Finance Department. That in the Chair's opinion sufficiently complies with the requirements of the Rules and Standing Orders and the practice has all along

Budget, Supplementary Grants—contd.

been in all Legislatures that the recommendation is communicated to the Department concerned

The second point is that, as a matter of fact, this is not a demand within the meaning of Rule 50, because there is no question of expenditure of this amount during the current year. But, as has been very clearly explained, this demand is for the transfer of a fund to a suspense account from the revenue, and the Chair is not prepared to hold that a demand like that does not come within the purview of the Rules. Then, it has been said that a new demand has been created as 69-A. In fact the original demand for grant was under 69 with respect to Broadcasting, and broadcasting has already been included in the demand, and there is no authority for this new demand. The Chair really fails to understand the point of this objection. The real objection of substance if valid would be that sufficient particulars have not been given to enable the House to deal with this demand on its merits. But the explanation for that is that what has been proposed by the Government and what has been placed before the House for its acceptance is that a certain amount should be transferred from the revenues in order to form a fund for the purpose of meeting the expenditure for development of Broadcasting in the future. The Chair is informed that precedents exist for such transfers and this demand is now being made for such a transfer following those precedents. In matters of this nature regarding the procedure and practice of the House the Chair is not prepared to hold that there is any illegality in making a demand for such a transfer. It may or may not be desirable that such a transfer should be made. That is another matter, but having regard to the established practice, the Chair cannot hold that the transfer sought to be proposed for which the sanction of the House is asked is illegal."

Budget, Supplementary Grants—contd

As regards the point that it was not a new service, the President ruled that

"It is a new service in the sense that there is a fresh programme which is not contemplated in the original demand"—L A Deb, 30 March, 1935, pp. 3188-98

186 BUDGET SUPPLEMENTARY DEMANDS (1) DIFFERENCE BETWEEN—AND EXCESS GRANTS (2) SCOPE OF DISCUSSION (3) QUESTIONS OF POLICY CAN BE RAISED WITH RESPECT TO NEW SERVICES

During the discussion on a Supplementary Demand for grant the point was raised as to the difference between a supplementary grant and an excess grant, and the scope of discussion on both. The President allowed discussion to elucidate the position and while maintaining the ruling that questions of policy could not be raised or discussed on either supplementary or excess grants, explained the position as follows

"May's Parliamentary Practice, page 536, says

'Debate on Supplementary and Excess Grants is restricted to the particulars contained in the estimates on which those grants are sought, and to the application of the items which compose those grants, and the debate cannot touch the policy or the expenditure sanctioned, on other heads by the estimate on which the original grant was obtained except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates'

As regards the ruling which the Chair gave, the Chair wishes to make it perfectly clear that as regards the demands that refer to schemes which have already been sanctioned by this House, there can be no question at all of discussing any question of principle or policy. But as regards demands which come up with respect to a new service and for which previously no sanction has been obtained of this House, no doubt that rule has to be relaxed to a great extent, but the question of policy must be confined within the item on which the vote of the House is sought"—L A Deb, 27 March, 1935, pp 2859-70

Budget, Supplementary Grants—contd

187 BUDGET SUPPLEMENTARY GRANTS SCOPE OF DISCUSSION TO BE CONFINED TO OBJECT OF DEMAND AND NO GENERAL GRIEVANCE CAN BE VENTILATED.

During the course of the debate on the Supplementary Grant relating to 'Indian Posts and Telegraphs Department', Mr Lalchand Navalrai raised certain points which were not covered by the demand when the President ruled

"You cannot ventilate any general grievance on a supplementary grant. The Honourable Member can only say whether this demand is necessary or not"
—L A Deb, 28 March, 1944, p 1635

188 BUDGET SUPPLEMENTARY DEMANDS GUILLOTINE APPLIED BY AGREEMENT

On 19th March 1946, when the Finance Bill was taken up for consideration, the President announced that all sections of the House had arrived at a general agreement on the question of the time table for the Finance Bill and the Supplementary Grants, Railways as well as General, that all stages of the Finance Bill would be completed by 5 P M on 28th March 1946, when all questions then outstanding in regard to the Finance Bill would be put to the vote of the Assembly without any further discussion on any question. The President further announced that the Railways and General Supplementary Demands would be taken up on the 29th March and similarly completed by 5 P M on 30th March, when all outstanding Supplementary Demands would be disposed of

In pursuance of the above decision, on 30th March 1946 at 5 P M when the Deputy President who was in the Chair proceeded to dispose of all the outstanding Supplementary Demands by applying the guillotine, an Honourable Member said that some of the Demands were not moved by the Finance Member. The Deputy President pointed out that when the guillotine is applied, it is not necessary for the Finance Member to move the demands. All the outstanding questions are put forthwith

Budget, Supplementary Grants—contd

Nawabzada Liaquat Ali Khan, intervening, wanted to be clear that in the case of supplementary demands the guillotine could be applied because in the Standing Orders there was no mention of it

The Deputy President then remarked

"Usually it cannot be done and the Honourable Member is perfectly right. But by agreement it can be done and it was done by agreement. When the House agreed to do this this procedure was adopted"—L.A Deb, 19 March, 1946 p 2570 and 30 March, 1946, p 3252

189 BUDGET SUPPLEMENTARY DEMANDS SCOPE OF DISCUSSION

On the 31st March, 1948, before the Supplementary Demands for grants and cut motions thereunder were taken up for discussion, the Speaker explained the position as follows

"I find from the nature of the cut motions and the subjects mentioned that there is probably a misapprehension on the part of Honourable Members as regards the exact scope of discussion when the supplementary grants come in for the vote of the House. I should therefore like to make the position clear by referring to what has been the practice of this House as stated by my predecessors

It is perfectly clear that as regards the (Supplementary) demands that refer to schemes which have already been sanctioned by this House, there can be no question at all of discussing any question of principle or policy, but as regards demands which come up with respect to a new service and for which previously no sanction has been obtained of this House, no doubt that rule has to be relaxed to a great extent but the question of policy must be confined within the item on which the vote of the House is sought"

Budget, Supplementary Grants—contd

Then Seth Govind Das asked

“Besides cut motions, if a demand is put to vote will it not be open to Members to make their remarks generally on those demands?”

Mr Speaker said

“There is no difference, as far as the scope is concerned, as between the supplementary demand itself and a particular cut motion except this that the cut motion will have a still further restricted scope. But the real point is that these are supplementary demands, and in case of the original demands, for whatever objects they were made, the principle as well as the policy of those demands had been discussed thoroughly by this House at the time of the Budget, when the Budget was sanctioned in respect of those demands as also again at the time of the Finance Bill. Any further discussion over the whole demand either in respect of the policy pursued or of the principles, will be nothing but a repetition of the same debate over and over again. It is therefore that the scope of the discussion will be only restricted to such new things or new items as had not come for discussion before the House when the Budget was voted upon. That is the principle on which the scope of discussion is restricted. I will just take an example—I am doing this just to clarify the position to illustrate each cut motion will have to be looked into on its own merits but take for example demand No 37. Now the cut motion reads

“That the demands for a supplementary grant of a sum not exceeding Rs 24,000 in respect of Ports and Pilotage be reduced by Rs 100”

Now I find that this expenditure is in regard to a cess which is mainly due to larger cost of repairs and to more British officers having proceeded on leave preparatory to retirement than anticipated. Therefore, the policy of having Ports and Pilotage can questions don't come under discussion in this. The only

Budget, Supplementary Grants—con'd

question will be the cost of repairs, all that could be discussed is very probably—if at all there is any scope for discussion—that the repairs were unnecessary or over-costly. It will be a very difficult subject to discuss, it is of minor importance. That illustrates the scope of discussion. Honourable Members will kindly remember the scope and then address themselves."

Again Seth Govind Das asked

"Suppose certain things had happened since certain demands were put to the House at the time of the Budget for instance the demand for Ministry of States. Suppose certain things have happened in Hyderabad since that demand was voted upon. Will remarks on this question be allowed to be made when the demand is put to vote?"

The Speaker observed

"The Honourable Member has given an instance but at present the question is a hypothetical one. If it comes before me I will certainly dispose of it in the light of what I have stated. Taking the instance of Hyderabad which the Honourable Member has cited, it will come under Demand No 27. There, the Honourable Member will see that, the excess is due to payment of arrears of pay and dearness allowance and tour charges of officers. Therefore it is not open to him to discuss Hyderabad whatever may have happened there. It will be again discussing the whole policy of the States, Ministry with reference to what it did in respect of this or that State or States generally"—C A (Leg) Deb., 31 March 1948, pp 2841-42

BUSINESS

190 BUSINESS STATEMENT OF SHOULD NOT BE DEBATED AT LENGTH

Towards the close of business on the 8th September, 1927, the Leader of the House made a statement of business for the next week in the course of which he referred to

Business—contd.

the fact that no time had been allotted for the Reserve Bank Bill. Some discussion then took place on the statement with reference to that Bill and as Mr S Srinivasa Iyengar was proceeding at length to speak on it,—

The President intervened and said "It is not the practice of this House to subject statements made by Government Members to any lengthy debate. Honourable Members are entitled to put questions with a view to elucidate these statements. I have allowed the Honourable Member, under the special circumstances of this case, to make a brief statement, by way of protest and resentment on behalf of non-official Members at the attitude of Government, but I hope Honourable Members will not go further and use this occasion for a lengthy debate on the statement"—L A Deb, 8 September, 1927, pp 4179—81

191 BUSINESS NON-OFFICIAL BALLOT UNNECESSARY FOR NON-OFFICIAL BUSINESS ALLOWED BY GOVERNMENT ON OFFICIAL DAYS

On the 10 September, 1921, Rai Bahadur Bakshi Sohan Lal raised the point as to whether the President in allowing non-official business on an official day could do so without determining its precedence by ballot

The President ruled "The Honourable Member has no doubt found what is technically a flaw in the rule, but to-day, as he is aware, is a day devoted to official business. Government has waived its right to put down official business for transaction at this sitting and has met what was a widespread demand on the part of the Assembly for an additional day for the transaction of non-official business. The ruling, which I propose to give provisionally in reply to the Honourable Member, is that for days set apart by His Excellency the Governor General for the transaction of non-official business the ballot provided by the Standing Orders is necessary to establish the precedence of

Business—contd

that business, whether the business be Resolutions or Bills, but that a ballot is not necessary in cases where Government having taken a sitting as an official day, waives its right to put down official business and substitutes the business of non-official Members In that event, the Government may exercise its own discretion in taking what non-official business it chooses"—L A Deb, 10 September, 1921, p 220

192 BUSINESS PRESIDENT'S AUTHORITY TO FIX MEETINGS FROM DAY TO DAY—INTERPRETATION OF STANDING ORDER 3(3)

On Friday, 22nd February 1946, Mr Asaf Ali sought to move an adjournment motion *re* strike at Bombay and Karachi by RIN ratings The President admitted the motion, but with a view to enable the Government to get fuller information on the subject-matter of the motion, set down the same for discussion on Monday, the 25th February

Late in the afternoon of the same day (Friday, 22nd February) the Leader of the Opposition brought to the notice of the Chair that the strike situation was gradually worsening and he urged that the adjournment motion should be discussed the following day (Saturday, the 23rd) and that the discussion would not brook delay till Monday, the 25th as was originally planned It was also suggested that a separate motion could be tabled and discussed the whole day instead of an adjournment motion The Government Member pointed out that the Assembly was not scheduled to meet on Saturday as there was no Government business to warrant a sitting of the House on that day and if the Assembly were to sit on Saturday, it would have no business other than the adjournment motion

The President observed that the question had two aspects, first, that the House should sit on Saturday and discuss a separate motion the whole day, but under Rule 24-A unless the Government were a consenting party, a special motion of that type could not be discussed The

Business—contd

second course was to restrict the meeting to the adjournment motion. He thought that under Standing Order 3(3), irrespective of the consent of the Government, he had power to fix the meetings from day to day, once the session had commenced and so, he would fix the following day (Saturday) for discussion of this adjournment motion.

The Government member, laying stress on the expression 'having regard to the state of business of the Assembly' in Standing Order 3(3), submitted that the President's interpretation was not right. The President, however, drew a distinction between the expression 'business of the Assembly' and 'business for the day', and said that he had the power to fix a meeting of the Assembly on any day according to the demands of the 'business of the Assembly'.

The Leader of the House then suggested that the War Secretary would make a statement on RIN strike at the opening of the sitting on the following day and after that the adjournment motion could be taken up for discussion, and this was agreed to.

The President, winding up the discussion, pointed out that the language of Standing Order 3(3) was "state of business of the Assembly", which meant not only volume of business but also the importance of the business and in view of the importance of the subject-matter of the adjournment motion in question he would fix the motion for discussion on the afternoon of the following day (Saturday)

L A Deb , 22 February, 1946, pp 1352—56, 1393—95

CHAIRMAN

193 CHAIRMAN EXERCISES SAME POWERS AS PRESIDENT ONLY WHILE PRESIDING OVER THE ASSEMBLY LEGISLATIVE RULE 4

On the opening day when the new Assembly met with a Chairman appointed by the Governor-General a point of order was raised that under Standing Order 10 it was obligatory that the first hour should be available for the asking and answering of questions and that that provision was not being followed in dropping the question hour. The Chairman, quoting Rule 4 of the Indian Legislative Rules, pointed out that he could exercise the same powers

Chairman—contd

as the President only 'while presiding over the Assembly' and while so presiding he could not admit questions and that questions could be admitted only after the President was elected —L A Deb , 21 January, 1946, pp 53-54

CLOSURE**194 CLOSURE DISCRETION OF CHAIR TO ACCEPT CLOSURE AT ANY TIME**

Mr Harchandrai Vishindas moved for closure when a Member was speaking, and the point being raised as to whether this could be done,—

The President ruled that such a motion was in order at any time whether a Member was speaking or not It was in the discretion of the Chair, interpreting the will of the House to say whether the time had come to accept such a motion —L A Deb 17 February, 1921 p 195

195 CLOSURE DISCRETION OF CHAIR LIMITED TO ACCEPTANCE OF MOTION BUT FINAL DECISION RESTS WITH ASSEMBLY

Closure being moved to a certain Resolution and the President putting the motion, a Member protested against the motion being put

The President pointed out that he was only exercising his discretion in accepting the motion but that it was for the Assembly itself to decide whether the debate should end or not —L A Deb 27 September, 1921 p 1102

196 CLOSURE DISCRETION OF CHAIR TO REFUSE TO ACCEPT

On the motion to pass the Official Secrets Bill, after one Member had spoken, closure was moved which the President refusing to accept, a Member said that the House wanted to finish the debate

The President ruled "Honourable Members are aware that there has only been one speech on the motion that the Bill, as amended be passed The matter

Closure—contd.

is one of great importance, and I cannot stifle discussion even though the House is ready to carry the closure by an enormous majority"—L A Deb 2nd February 1923, pp 2782-33

197 CLOSURE ACCEPTED BY PRESIDENT CANNOT BE DISCUSSED

On the third reading of the Drugs Bill, a Member referred to the fact that during the discussion on the consideration motion certain Members on the Treasury Benches moved the closure a bit too early and proceeded to comment on it, when the President observed

"The Honourable Member is really not in order in discussing the closure. The closure motion has to be accepted by the Chair and the Chair does not accept any closure that is moved unless it is fully satisfied that there has been a sufficient debate. And once it is accepted it is not open to any one to discuss it. My own opinion is that Government did not move the closure too soon and there had been a full debate before it was moved"—L A Deb, 5 April 1940, pp 2249-50

198 CLOSURE WHEN A MOTION FOR CLOSURE IS PUT NO DEBATE ARGUMENT OR APPEAL IS PERMITTED

On a motion for closure being put a Member wished to make a statement that the debate should be allowed to proceed a little longer

The Presider observed The Honourable Member knows or ought to know that when a motion for closure has been put it is decided without debate, argument or appeal of any kind —L A Deb, 18 March 1925 p 2629

COMMITTEES

199 COMMITTEES PUBLIC ACCOUNTS COMMITTEE REPORT OF NO QUESTION PUT ON MOTION TO TAKE INTO CONSIDERATION BUT ONLY ON EXCESS DEMANDS

Speaking on the motion to take the Report of the Public Accounts Committee into consideration and to approve of

Committees—contd

certain expenditure, Mr Ramakrishna Reddi drew attention to the fact that there were two distinct and separate matters contained in the motion and there might be difficulty in voting, whereupon —

The President explained the procedure as follows

"The Chair quite realises the difficulty with which the Honourable Members might be faced at the time when the question is put. But they should realise that when the motion is put to the vote, it is open to the Chair to split up the motion into two or three parts and put each part separately so that Honourable Members will have the opportunity of voting on each part separately. But, in this particular case, the Chair might explain to the Honourable Members that the usual parliamentary practice when a motion to take into consideration the Public Accounts Committee Report is made, is that no question is put after discussion. The motion that the Report of the Public Accounts Committee be taken into consideration is simply made with a view to giving an opportunity to the House to have a full and thorough discussion on the points arising within the Report of the Public Accounts Committee and no question is put. Following that practice, what the Chair proposes to do is this. The question relating to excess grant has been coupled with the first part, because it arises out of the report with which the first deals. So no question will be put relating to the first part. The only question that will be put will be that the Assembly do approve of excess expenditure"—

L A Deb., 20 September, 1933, pp 1913-14

200 COMMITTEES PUBLIC ACCOUNTS COMMITTEE REPORTS SCOPE OF DISCUSSION ON

During the discussion on the Reports of the Public Accounts Committee, a Member proceeded to refer to grievances of railway passengers stores purchase policy and the Posts and Telegraphs Department whereupon the President pointed out that such matters could not be

Committees—contd

discussed and that he could only see that "the expenditure is in accordance with the authority and is legal, and not otherwise"—L A Deb 8 February, 1939 pp 559-60

201 COMMITTEES PUBLIC ACCOUNTS COMMITTEE UNEXPECTED SURPLUS IN RAILWAY BUDGET ALLOCATED IN ACCORDANCE WITH CONVENTION NO ORIGINAL PROVISION IN ESTIMATES PROCEDURE FOR OBTAINING APPROVAL OF HOUSE TO APPROPRIATION ALREADY MADE

The Railway Budget for the year 1936-37 provided for a deficit and it was only in the last months of the year that the conditions improved so much that the deficit turned into a surplus and this was allocated in accordance with the convention approved by the House and in force at the time. In order to regularise this appropriation an excess demand was moved on the 10th November, 1938, when objection was taken that the procedure of an excess vote was not permissible in respect of this appropriation, because there was no original provision in the Railway Estimates. The Government took time to consider the matter and on the suggestion of the President, to whom the matter was referred by the Government the following amendment was tabled to the motion that the Report of the Public Accounts Committee be taken into consideration.

"That at the end of the motion, the following be added :

'and that the Assembly do approve the appropriation of Rs 1,20,58 909 actually made in 1936-37 from the Railway surplus for that year towards repayment of the temporary loans taken from the Railway Depreciation Reserve Fund'

On the amendment being moved in the House an objection was taken that this procedure was new and should not be approved. The President ruled that this matter could not be anticipated at the time the original railway estimates were introduced and the only course left in the circumstances was to bring a motion in the House and obtain the approval of the House to the appropriation that

Committees—contd

had already been made He accordingly held that the motion was in order—L A Deb , 3 February, 1939, pp 83-87

202 COMMITTEES STANDING COMMITTEES ALL MEMBERS OF ASSEMBLY ELIGIBLE FOR ELECTION TO

On a motion to elect members to the Standing Committee for the Department of Supply a Member suggested that only elected Members should vote when the President pointed out that no Member of the Assembly elected or nominated could be excluded and no section of the House could be excluded from voting —L A Deb , 21 November, 1940 pp 918-19

203 COMMITTEES STANDING FINANCE COMMITTEE REFERENCE TO PROCEEDINGS

During the discussion on the Demands for Supplementary Grants of the 22nd September 1921 a Member referred to what had happened in the Standing Finance Committee

The President remarked 'It is for the Standing Finance Committee itself to say what communications should be made to this House regarding the proceedings of the Committee. A useful report "Bills for my purpose" to be a verbatim report of its proceedings has been circulated for the benefit of Members but it would be impossible for me, for instance to rule as between two Members if they wanted discussing what happened in the Committee I hope Honoured's Members will be careful to references they make to debates which have taken place in the Standing Finance Committee'—L A Deb 22 September 1921 p 878

204 COMMITTEE CONSENT OF MEMBERS MUST BE OBTAINED BEFORE MEET

To the Resolution on the Martial Law Administration in the Puyao a Member proposed an amendment suggesting a Committee of Members of the Assembly. It agreed

Committees—contd

in the House that the Mover of the amendment had not taken the permission of those Members, whose names he had suggested for the Committee, and on this the President remarked

“In the present instance, I will allow the Mover to move the amendment as presented with the exception that names must be excluded. But I must remind the Assembly again that any amendment put forward in this way in future without the authority of the Honourable Members named will be summarily ruled out of order”—L A Deb, 15 February 1921, pp 86-7.

205 COMMITTEES SCOPE OF DISCUSSION OF MOTION FOR ELECTION OF MEMBERS TO

On a motion to elect two Members to the Central Advisory Board of Education, Members proceeded to discuss the policy of Government in setting up the Board, whereupon the President ruled that he could not allow the policy to be discussed on the motion and that he would not allow the discussion to proceed beyond the limits of the motion—L A Deb, 2 September, 1935, p 140

206 COMMITTEE OF HOUSE REPORT MEMBERS ALLOWED TO SIGN REPORT UNDER EXCEPTIONAL CIRCUMSTANCES AFTER PRESENTATION OF THE REPORT TO THE ASSEMBLY

After the Select Committee's report on the Report of the Delimitation Committee had been presented in the morning of the 18th March 1936 Mr Akhil Chandra Datta pointed out as the Assembly was about to adjourn for the day, that certain Members of the Select Committee did not have the opportunity to sign the report at that time and asked leave for the Report being signed by those Members. The President allowing the request remarked

“Under the exceptional circumstances of this case the Chair will raise no objection, if the House agrees, that the Honourable Members, who have failed to sign the report, may sign the report here at the Secretary's table. The report is already in the

Committees—contd

possession of the House, and the Chair cannot, therefore, allow any additions to be made to it, in any way, without the leave of the House. Is it the pleasure of the House that Honourable Members who have not signed the Report may be allowed to sign it now?"

The Assembly agreeing, the President allowed the Members, who had not signed the report, to do so—L A Deb., 18 March, 1936, pp 2811-12

207 COMMITTEES MOTION FOR ELECTION OF MEMBERS TO STATUTORY COMMITTEE QUESTIONS OF FINANCIAL BASIS CANNOT BE DISCUSSED ON SUCH MOTIONS

On a motion to elect members to the Indian Cocoanut Committee under Sec 4(g) of Act X of 1944 a member proceeded to discuss the basis on which the committee had been financed, when a point of order was raised whether such a discussion was relevant and the President upholding the point ruled

"The Honourable Member cannot discuss on this motion questions of [Financial] policy which have been already decided"—L A Deb., 13 November, 1944, p 655 [See also p 659 *ibid*]

208 COMMITTEES STANDING COMMITTEES MOTION FOR ELECTION OF MEMBERS TO STANDING COMMITTEE ON ROADS CONSTITUTED BY RESOLUTION OF THE HOUSE AMENDMENT TO ALTER NUMBER OF MEMBERS NOT IN ORDER ON SUCH MOTION SEPARATE RESOLUTION TO BE BROUGHT FOR THE PURPOSE

To a motion for electing six members on the Standing Committee on Roads dealing with the Central Road Fund, an amendment was sought to be moved to alter the number to eight, whereupon the Government Member pointed out that as this was a slightly different sort of committee from other committees a special resolution ~~not~~ be

Committees—contd

desired and the President thereupon ruled

"The question that has been raised is whether a Resolution of this House fixing the quota of membership for this Assembly can be altered by an amendment like this I dare say that the number of members allotted to this House should be increased now that the co-ordination of Roads and Road Traffic have been added to the Railway Department Still the question remains whether a former Resolution of the House which has been acted on for so many years can be departed from or altered except by another resolution This is an important question, and I do not know if there is a precedent I think that this Resolution which has been acted on for such a long time can only be altered by another Resolution on which all the aspects can be fully considered by the House I think the Members will be well-advised to bring in a Resolution The amendment is not in order"

After some further discussion it was agreed that the motion for election should stand over—L A Deb, 15 March, 1945, pp 1558-60

209 COMMITTEES STANDING COMMITTEES SCOPE OF DISCUSSION ON MOTION FOR ELECTION TO ADMINISTRATION OF A DEPARTMENT CANNOT BE DISCUSSED

On an amendment to increase the number of members proposed to the Standing Committee for the Labour Department, a member proceeded to discuss the administration of the department, when the President intervened and told the member he could not do so, as it did not arise, and that the motion was only for the election of a committee —L A Deb, 16 March, 1945, p 1619 [See also L A Deb, 22 March, 1945, p 1898 and L A Deb, 28 March, 1945, p 2183]

210 COMMITTEES CONSTITUTED BY GOVERNMENT OF INDIA NOTIFICATION AMENDMENT TO INCREASE MEMBERSHIP OUT OF ORDER

The Secretary, Education Department, moved a Motion "that the Members of the Assembly do proceed to elect two persons from among their own number to be

Committees—contd

members of the All India Council for Technical Education constituted by the Government of India" Some Members sought to move an amendment to increase the number of members for election The President ruled

"I am afraid the amendment will not be in order for the simple reason that this is not a committee of the House but a Committee which, as the Honourable the Education Secretary has stated just now, constituted by the Government of India, and the constitution of the committee is prescribed by some notification of the Government of India, further the committee consists of various representatives

Committees—contd

The Government Member said that the motion was in accordance with the rules regarding the constitution of Standing Committees which in turn were based on the recommendations of a Select Committee of the House and as regards the subjects placed before the committee, they were proceeding in accordance with the rules framed for the guidance of these Advisory Committees

The President then observed as follows

"I could not quite follow the request of the Honourable Member Mr Asaf Ali As far as I understood it, it seems to be that the scope of subjects for advice should be co-extensive with the subjects which this particular Department is dealing with That seems to be the subject of his request As I understood the Honourable Member this scope seems to be in addition to Baluchistan and Tribal Areas, questions relating to Persian Gulf This is perhaps much wider If that is so, then, of course it is for the Government to consider, and it is for the Parties in the House to come to any settlement about it as to whether the scope should be restricted as it is at present or it should be co-extensive with the activities of the Department I may point out one difficulty which I feel at present and that is, this committee is constituted under the Rules regulating the constitution and procedure of standing committees, the proceedings of which I believe the Honourable Member read out just now According to his motion, the committee as constituted will advise the External Affairs Department on subjects pertaining to British Baluchistan and the tribal areas So, just at present the difficulty will be that so long as these orders stand as they are, it will not be possible to amend this Motion by even an amendment even if all parties are agreed that the scope should be extended If it is the desire of certain parts of the House to have the scope extended, then the best course would be to put the motion off for a couple of days In the meanwhile, members may meet and have discussions in private, rather than have discussion on the floor of

Committees—contd

the House and then see if it is possible to arrive at an agreed motion”

The Motion was accordingly postponed. Later on as a result of agreement between Parties, the Rules governing the constitution and procedure of Standing Committees were amended so as to extend the functions of the External Affairs Department Standing Committee and an amended Motion was brought and adopted—L A Deb, 18 February, 1946, pp 1081-83 and 15 March, 1946, p 2487

CORRECTIONS

212 CORRECTIONS SCOPE OF—BY MEMBERS OR MINISTERS.

On the 17th February 1950, during the discussion of the report of the Committee appointed to investigate into the fatal accident to the KLM plane on 12th July, 1949, a Member wanted to know the correct procedure regarding the corrections that could be carried out by Members or Ministers

The Speaker after his preliminary remarks about the question of corrections made by Members and Ministers concluded

“But while I have permitted all kinds of grammatical corrections, or corrections of a word here or there, or change of a clause from one place to another, I have always put down any material correction which means deviation from the substance of what the Member has said, whether he is a Member or a Minister, it makes no difference at all. That is the real position”—Parliamentary Deb, Part II, 17 February, 1950, p 635

DEBATE

General

213 DEBATE FOREIGN RELATIONS DISCUSSION OF OUT OF ORDER

A Member referring in the course of his speech to the relations of the Government of India with Afghanistan, a foreign power,—

Debate, General—contd.

The President called him to order, and said "The Honourable Member is not entitled to embark upon a discussion of the relations of the Government of India with foreign Powers"—L A Deb, 9 March, 1922, p 2930

214 DEBATE JUDGES REFLECTIONS ON CONDUCT OF NOT ALLOWED, BUT CRITICISM OF JUDGMENT PERMISSIBLE

Mr T C Goswami commenting in the course of a speech upon the conduct of a judicial tribunal,—

· The President ruled that no comments reflecting upon the conduct of Judges were permissible whether the case was pending or disposed of, but that criticisms of judgments were permissible in so far as they were possible without reflecting on the conduct of Judges—L A Deb, 26 January, 1926, pp 278-79

215 DEBATE CRITICISM OF THE MAGISTRACY WHEN IN ORDER STANDING ORDER 29

In the course of his speech on the Criminal Law Amendment Bill Mr B R Puri proceeded to criticise the magistracy in their handling of political cases, when the Home Member asked if such attacks were in order

The President ruled "The Honourable Member is criticising the agency which will have to administer the Act, and, in doing so, is entirely within the privilege which he enjoys"

Objection was taken that under Standing Order 29, such reflections were not permissible, whereupon—

The President remarked "The Honourable Member does not reflect on any Court of law, but makes general observations on the agency which is going to be entrusted with the duty of administering this law if passed"—L A Deb, 27 September, 1932, pp 1447-48

Debate, General—contd**216 DEBATE CRITICISM OF PROVINCIAL ADMINISTRATIONS NOT IN ORDER**

During the discussion on the Demands for Grants, Dr. Sir Ziauddin Ahmad proceeded to criticise provincial administrations, whereupon the President pointed out

"Honourable Members must remember that there must be a limitation on the criticisms of the administration of the provinces which are autonomous under the Act All that Honourable Members are entitled to do is to deal with the question of financial relation between the provinces and the Centre, and they may touch on anything directly relevant to that",

and added

"The Chair would point out to the Honourable Member that if he thinks he is at liberty to dilate on the general administration of the provinces, because that might have an indirect effect on the finances of the provinces, and, therefore, remotely on the finances of the Centre, then it will really come to this that any Honourable Member can criticise without any limitation the administration of the provinces That the Honourable Member is not entitled to do"—L A Deb , 10 March, 1939, pp 1916-17

217 DEBATE MEMBER WHILE SPEAKING MAKES CHARGE OF CORRUPTION AGAINST AN OFFICER IN A PROVINCE NOT IN ORDER STANDING ORDER 29(2) (v)

Speaking on the Finance Bill, Dr Khan Sahib referred to the Reforms Officer of the North-West Frontier Province as a corrupt man The Foreign Secretary rose to a point of order and enquired whether a Member was in order in attacking by designation, if not by name, an officer who could easily be identified The President ruled

"The Standing Orders prohibit any defamatory statement being made and the Chair does think that the Honourable Member will abstain from making

Debate, General—contd

any such statement with reference to any one, and much more against a man who is not present in the House to defend himself. The Chair thinks that the Honourable Member ought not to make charges against an individual like that."

When Dr Khan Sahib indicated his readiness to prove his statement if Government launched a case, the President observed

"The Honourable Member can make allegations if he likes against the executive, but if he wants to make a charge of corruption against any individual, he cannot do that in this House, he must proceed legally"

Mr Bhulabhai Desai rising then to a point of order said that it was the privilege of every Member of the House to call attention of the House to the acts of omission and commission on the part of the executive, and enquired whether it was possible to exercise that privilege with any degree of effectiveness without pointing out who in that executive and in what manner was guilty of the deeds charged, and pointed out that a general charge would be useless if the specific charge was disallowed

The President thereupon ruled

"Standing Order 29 (2) (v) lays down that a Member while speaking shall not utter treasonable, seditious or defamatory words. This is not qualified in any way. It is perfectly true that every Honourable Member is at liberty to criticise the action of the executive, but when it comes to making an allegation of a defamatory character against any individual the freedom of speech that is allowed in this House does not extend to that extent and the Chair holds that under Standing Order 29, it is not permissible to any Honourable Member to make any defamatory statements in this House against any particular individual, although he is absolutely free to criticise the action of the executive generally"

Pandit Govind Ballabh Pant sought to draw a distinction between a derogatory statement that was false and one

Debate, General—contd

that was true. The mere fact that a statement was derogatory to an individual did not make it defamatory. In order that it might be defamatory, it must first be held to be false. It was perfectly true that no reflections could be made on the Governor or the Governor General. Apart from that, so long as it was true, Members were perfectly within their rights to criticise or comment on the conduct of any officer and that it did not become defamatory unless it was held to be false.

Then the President observed

"The Chair quite understands the distinction. The public conduct of a public servant may be criticised and of course it may be that that criticism may be of a deprecatory character but when the Standing Order prohibits a defamatory speech it means, for instance, a speech in which corruption is alleged on the part of a particular individual. In that case, as the Chair has held, the freedom of speech does not extend to the making of any such defamatory statement"—L A Deb, 12 March, 1937, pp 1825-27.

218 DEBATE REPETITION OF ARGUMENTS NOT ALLOWED RULE 16

Dr H S Gour, speaking on an amendment to the Criminal Law (Amendment) Bill, proceeded to repeat arguments which he had used while speaking on a previous amendment.

The President intervened and said "The Honourable Member is taking a line of argument which I told him he is not entitled to do. The Honourable Member knows that repetition comes under the Standing Order and this case seems to me to be a peculiarly flagrant one"—L A Deb, 19 February 1923, p 2541.

219 DEBATE SPEECHES LONG QUOTATIONS NOT PERMISSIBLE

During the debate on the motion to take into consideration the Indian Tariff (Cotton Yarn Amendment) Bill, a

Debate, General—contd

Member proceeded to make lengthy quotations in his speech

The President intervened and ruled "I would inform the Honourable Member that reading such long quotations is not permissible"—L A Deb, 6 September, 1927, p 4021

220 DEBATE VERBATIM REPETITION OF A CLAUSE IN A BILL WASTING TIME OF HOUSE

Dr Nand Lal proceeding to read a certain clause in a Bill in the course of his speech,—

The President intervened and said "I really must ask the Honourable Member not to repeat verbatim the words we all have printed before us, otherwise I shall have to rule him out for deliberately wasting the time of the Assembly"—L A Deb, 24 July, 1923, p 4965

221 DEBATE QUOTATIONS FROM PROSCRIBED LITERATURE WHEN PERMISSIBLE

During the discussion on the Finance Bill on the 20th March, 1931, Mr Amar Nath Dutt proceeded to read out quotations from a book alleged to have been proscribed, when the point was raised, whether use could be made of a proscribed book

The President observed "A point of order has been raised which appears to me to be a rather difficult point to decide It is a well-known legal maxim that you cannot do indirectly what you cannot do directly. And it seems to me that the Honourable Member is trying indirectly to get publication of proscribed literature by this means On that point I should like to hear one or two Members of the legal profession It appears to me that it is not permissible to do indirectly what cannot be done directly"

Diwan Bahadur Rangachariar pointed out that the matter complained of did not come within any of the prohibitions

Debate, General—contd.

contained in Standing Order 29, and that the Member was perfectly within his rights The Law Member was of opinion that reference could be made to proscribed literature, but submitted on legal analogy that such literature could not form part of the proceedings

The President thereupon ruled "I think it is clear now what the ruling should be The Honourable the Law Member has clearly explained that it is open to Honourable Members, in support of any argument which they may wish to advance, to quote from proscribed literature, but they cannot read the whole of it with the intention of getting full publication in that way I will for the present accept that view and allow the Honourable Member to continue his observations and to quote from the book he was reading"—L A Deb, 20 March, 1931, pp 2365-68

222 DEBATE QUOTATION IN ANY LANGUAGE ALLOWED, BUT MUST BE TRANSLATED

In the course of the debate on the Arya Marriage Validation Bill, a Member quoted a Sanskrit verse when a point of order was raised whether anything could be read in a language which nobody understood The President ruled that the Member was "entitled to quote from any authority he likes, but he should give a translation of it in a language which the House can understand"—L A Deb, 29 September, 1936, p 2054

223 DEBATE PUBLIC SPEECHES QUOTED IN SHOULD BE LAID ON THE TABLE IN FULL

During the debate on the Criminal Law Amendment Bill, the Defence Secretary proceeded to read out extracts from certain public speeches when a point of order was raised that unless such documents were laid on the table

Debate, General—contd

such quotations were not in order and the President upholding the point ruled

“Whatever the Honourable Member has read out has to be laid on the table of the House, otherwise it will not go into the proceedings”,

and added

“If the Honourable the Defence Secretary has been reading from a particular speech, he ought to place the whole speech on the table of the House

It is a well established Parliamentary practice”
—L A Deb, 15 August, 1938, pp 484-89

224 DEBATE LETTERS FROM UNDISCLOSED PERSONS CANNOT BE READ IN COURSE OF SPEECH

In the course of his speech on the Resolution regarding the constitution of a Coal Purchase Board, Mr A H Ghuznavi proceeded to read from certain letters he had received, without disclosing the names of the writers, when objection was taken that letters from undisclosed persons could not be referred to in the debate

The President upholding the objection ruled “The Honourable Member can either disclose the name on the authority of which he relies, or he can take the responsibility himself and say that he has received from a certain friend certain information and put it in his own words He cannot read anonymous letters—they are anonymous in view of the fact that the Honourable Member is not willing to disclose the name of the writers”—L A Deb, 15 September, 1932, pp 772-73

225 DEBATE UNPUBLISHED EVIDENCE TENDERED BEFORE A COMMITTEE MEMBERS OF COMMITTEE ALLOWED TO READ SUCH EVIDENCE

During the debate on the Ottawa Trade Agreement Resolution, a Member proceeded to read from certain evidence tendered before the Special Committee—when a point of order was raised that the evidence had not been published, that Members who had seen it might read only the portions favourable to their case and that therefore such reference should not be allowed

Debate, General—contd

The President ruled "The Chair's main object is to enable the House to give a considered judgment on all the facts that can be placed before them. The Chair proposes to allow all the Members of the Committee, those who have signed the majority report and those who have signed the minority report to give as much information to the House as possible in order that they may be able to reach a considered decision on this important subject"—
 L A Deb , 5 December, 1932, p 2925

226 DEBATE STATEMENT OF FIGURES PREPARED BY MEMBER CANNOT BE LAID ON THE TABLE THOUGH FIGURES THEREIN CAN BE USED IN THE SPEECH

During the discussion on a reduction motion on the Railway Budget a Member proceeded to quote from a statement prepared by him a number of figures relating to the proportion of Muslims on railways and said he would place the statement on the table of the House so that it could be incorporated in the proceedings, whereupon the President remarked

"The Chair does not think the Honourable Member will be in order in placing the statement on the table of the House, and he must make the best use he can of the figures in his own speech"—
 L A Deb , 26 February, 1940, p 690

227 DEBATE REFERENCE TO PRIVATE CONVERSATION NOT ALLOWED

During a personal explanation a Member referred to a private conversation

The President intervened, saying "If I allow reports of private conversations to be used, I immediately open the door to acrimonious controversy. If the Honourable Member really wishes to make a personal explanation, I am prepared to allow him to do so but he cannot go into a private conversation

Debate, General—contd

on the purport of which no doubt two memories may differ"—L A Deb, 27 September, 1921, p 1085

228 DEBATE REFERENCE TO PROCEEDINGS OF INFORMAL COMMITTEE WHICH ARE NOT PUBLISHED NOT IN ORDER

During the discussion on the Budget, Mr V J Patel referred to a certain informal Committee whose proceedings had not been published Sir Basil Blackett objected to any kind of reference to the proceedings of such a Committee, whereupon a Member insisted upon the House knowing the proceedings of the Committee

The President ruled "It is advisable not to make a reference to the proceedings of a committee in this House unless they can be laid on the table It has been ruled before now that informal discussions even in a Select Committee appointed by this House, unless they appear in the Select Committee's report, are not usually referred to in the debate In this case I do not know what the Honourable Member was referring to If it is a report of an informal committee which is not published, it would be wise not to refer to it"— L A Deb, 13 March, 1925, p 2324

229 DEBATE RESOLUTION REGARDING SUPPLEMENTARY PROTECTION TO A PARTICULAR INDUSTRY WHETHER GENERAL QUESTION OF PROTECTION CAN BE DISCUSSED

Speaking on the Resolution regarding supplementary protection to the Tin-Plate Industry, Mr Devaki Prasad Sinha proceeded to discuss the general question of protection

The President intervened and ruled "All detailed references to the general question of protection which the House has already disposed of are out of order The Honourable Member is not justified in reopening that question *versus* free-trade If he wants to raise it, he may do so by way of a separate Resolution The House stands committed to the principle of protection and the question now

Debate, General—contd.

is how to give effect to it If the Honourable Member is opposed to the principle of protection, he may say so in a general way and vote against this measure by all means, but he is not entitled to go into the details of the question once again"—
L A Deb , 17 February, 1926, p 1392

230 DEBATE DISCUSSION IN ASSEMBLY OF RULINGS IN OTHER CHAMBERS IMPROPER

A Member proceeded in the course of his speech to discuss the ruling of the President of a Local Legislative Council, whereupon—

The President ruled that it was not proper to discuss in the Assembly a ruling of the President of another House—L A Deb , 15 March, 1933, p 2109

231 DEBATE COUNCIL OF STATE REFERENCE TO PROCEEDINGS IN COUNCIL OF STATE NOT IN ORDER

When the amendments made by the Council of State in the Indian Income-tax Bill were taken into consideration a Member referred in the course of his speech to the report of the debate in the Council of State

The President intervened and said that the Member was not entitled to refer to proceedings in another House—L A Deb , 27 February, 1922, p 2581

232 DEBATE REFLECTION ON COUNCIL OF STATE NOT IN ORDER

During the debate on a motion to elect members to the Defence Consultative Committee, a member remarked that the number allotted to the Upper House was in excess of its numbers and its importance and said, "Everybody will agree that this House represents the public far more effectively and correctly than the Upper House can ever hope to do" whereupon the President intervened and said that the member must not make any reflection on the other

Debate, General—contd.

House nor any invidious comparison between the two Houses, and added "if the Honourable Member refers merely to the importance of this House it is all right"—
L A Deb, 27 October, 1941, pp 84-85

233 DEBATE MEMBERS CANNOT REFLECT ON THE CONDUCT OF THE GOVERNOR-GENERAL, PAST OR PRESENT

During the debate on the motion regarding the Food situation in Bengal Mr K C Neogy remarked—

"A friend of the bovine species, he (Lord Linlithgow) perhaps would have been more interested had it been a case of cattle epidemic in Bengal Or was it because a sense of constitutional chastity prevented him from visiting Bengal in those days?"

"Then the President said—

"The Honourable Member knows that he cannot reflect on the conduct of the Governor-General"

Mr Neogy pointed out that Lord Linlithgow was no longer the Governor-General but the President ruled—

"That makes no difference It is the holder of the office"—L A Deb 15 November, 1943 p 303

234 DEBATE MEMBER NOT SPEAKING WHEN CALLED CANNOT SPEAK AFTERWARDS DURING THE DEBATE

During the discussion on a reduction motion to a Demand two members rose in their seats when the President called on one of them to speak The member however, not speaking, the President remarked

If the Honourable Member, Maulvi Muhammad Abdul Ghani does not want to speak, the Chair will call upon Maulana Zafar Ali Khan to speak Maulvi Muhammad Abdul Ghani will not be called upon again to speak in this debate —L A Deb, 6 March, 1941, p 1120

Debate, General—contd.

235 DEBATE SPEECHES CANNOT BE TAKEN AS READ

During the discussion of the General Budget, a Member exceeded his time limit, and on this being pointed out to him, desired to have it taken as read and to lay it on the table of the House, but the President said

"I cannot allow that"—L A Deb, 5 March, 1943, p 781

236 DEBATE THE STAGE AT WHICH GOVERNMENT SHOULD PARTICIPATE IN

During the course of the discussion on the Resolution *re* Appointment of a Reforms Committee for Baluchistan, Mr Joshi expressed that the non-official side was at a disadvantage in discussing the matter because the Government Member had not taken part in the debate and it was not known what attitude the Government of India was going to take up on that subject

The President observed

"I have on several occasions brought it to the notice of the Members of the Government that it is desirable when a discussion of this kind takes place in the House, that they should take part at a reasonably early stage in the debate and let the Honourable Members know what the views of the Government are"—L A Deb, 30 March 1944, p 1769

237 DEBATE MEMBERS OF GOVERNMENT ATTENDANCE IN THE HOUSE DURING DEBATE ON FINANCE BILL

During the course of general discussion on the Finance Bill Mr Avinashilingam Chettiar suggested that Members of Government in charge of all Departments should be present in the House to take note of the points raised by Honourable Members, when the President observed

"It has never been the practice and it is not practicable They have other business to do But the Departments concerned are represented I believe
—L A Deb, 17 March, 1944 p 1236

Debate, General—contd

238 DEBATE BILL CONSIDERATION MOTION REPLY OF GOVERNMENT MEMBER CONCLUDES THE DEBATE

On the 4th April, 1946, during the debate on the motion that the Factories (Amendment) Bill be taken into consideration, when the Government Member was called upon to reply, Diwan Chaman Lal wished to say something on a particular question then or later on, if the Government Member was agreeable to it The President observed

"Even if he is agreeable I do not think I can permit it under the Rules after the Honourable Member has replied to the debate"—L A Deb, 4 April, 1946, p 3526

239 DEBATE CONFIDENTIAL DOCUMENTS REFERENCE TO

During the course of the debate on the Insurance Amendment Bill, a Government Member was seen quoting extracts from a Report which was marked confidential but which was in the Library of the House, and the Chairman ruled

"Since the document is in the Library of the House it is quite in order to be quoted from"—L A Deb, 19 February, 1946, p 1163

240 DEBATE DOCUMENT IN LIBRARY OF THE LEGISLATURE NOT CONFIDENTIAL

Under the Railway Demand for 'Open Line Works', speaking on a cut motion *re* road-rail co-ordination scheme, a member was reading from a document, which contained the results of the deliberations of the Transport Advisory Council which were the subject of discussion by means of correspondence between the Central Government and the Provincial Governments The Government Member objected on the ground that it was a confidential document in so far as it was not published The President after ascertaining that a copy of the same was available in the Library of the House observed that it was not a confidential document and reference to it was in order — L A Deb, 26 February, 1946, p 1533

Debate, General—contd

241 DEBATE REFERENCE TO NON-MEMBERS TO BE AVOIDED

During the General discussion on General Budget, a member referred to Birlas, Tatas and Dalmias in uncomplimentary words when the President observed

“I might suggest it would be better if the Honourable Member does not mention names, particularly names of people who are absent from this House”
—L A Deb, 4 March, 1946, p 1827

242 DEBATE SPEECHES LONG QUOTATIONS FROM OPINIONS CIRCULATED NOT PERMISSIBLE

On 11th April, 1946, on the motion to refer the Banking Companies Bill to Select Committee, a Member was reading extracts from the opinions received on the Bill, when another Member invited the attention of the Chair and wanted a ruling whether it was in order to read from a document containing opinions which has been circulated to all members of the House The President said

“The Honourable Member is perfectly in order in referring to the opinions in support of the points he is making He should not read long passages *in extenso* but should restrict himself only to relevant passages”—L A Deb, 11 April, 1946, p 3854

243 DEBATE SPEECHES—WRITTEN NOT TO BE ENCOURAGED

On 4th December, 1947, while an Honourable Member was reading out a written speech, Mr Speaker suggested that though Honourable Members might refer to their notes, speeches prepared outside the House should not be read in the House He said that in the case of responsible statements by Ministers, however, which were of special importance, every word had to be clothed in careful language and such statements had necessarily to be prepared beforehand and read out in the House He continued

“Members will realise that if written speeches are permitted the speech read will have probably no reference to the speeches made by others in the

Debate, General—contd

debate What is read would have been written previous to the starting of the debate Therefore if we want really to have a debate with life in it without repetitions and with arguments addressed only to the points raised, then I am sure Members will all agree with me that written speeches must be discouraged I may inform Honourable Members that written speeches are not permitted in the House of Commons and it is a good parliamentary procedure which we may as well follow'—C A (Leg) Deb , 4 December, 1947, pp 1252-53

244 DEBATE UNPARLIAMENTARY REMARKS IF INAUDIBLE. CHAIR CANNOT TAKE NOTICE OF

During the debate on the Insurance Amendment Bill a Member appealed to the Chair seeking protection against some personal remarks made by another Member when the President observed that he could not take notice because he had not heard the words—L A Deb 28 February 1946 p 1694

245 DEBATES PROCEEDINGS PROCEDURE IN REGARD TO EXPUNGING FROM OF CERTAIN OBJECTIONABLE PASSAGES

'On the 14th February 1947 on a joint request from Dr G V Deshmukh and Srijut N V Gadgil for expunging from the proceedings of the Assembly certain passages, the President observed

"I have received a request jointly from Dr G V. Deshmukh and Srijut N V Gadgil for expunging from the proceedings of the Assembly certain passages from what they spoke in the House on 6th February 1947 during the course of Dr Deshmukh's Bill *re* amendment to the Civil Marriage Act of 1872 The passages proposed to be deleted have been indicated in the said letter. A copy of the passages proposed to be deleted can be inspected by Honourable Members who would like to do so, in the Notice Office till 2-30 P M on Monday, the 17th instant If the House agrees to the request made by Dr G V Deshmukh and

Debate, General—contd.

Srijut N V Gadgil, I shall be glad to order that the said passages be expunged from the proceedings"

The House having agreed the President ordered that the passages be expunged—L A Deb, 14 February, 1947, p 628

246 DEBATE PERMISSIBILITY OF—OF REPLIES OF AN HON MINISTER IN HIS ABSENCE

During the discussion of the report of the Committee appointed to investigate into the fatal accident to the K L M plane on 12th July 1949 one Member raised a point of order whether discussion of the replies of an hon Minister in his absence would be permissible

The Speaker remarked It is collective responsibility—Parliamentary Deb Part II 17 February 1950, p 636

247 DEBATE MEMBER INATTENTIVE WHEN CALLED LOSES CHANCE

During the discussion of the Demands for Grants on the 18th March 1950 when the Speaker called a Member, the Member did not get ready to address the House. It was later on pointed out to the Speaker that on account of subdued conversations carried on comparatively loudly the Member was not able to hear that he was being called, whereupon the Speaker permitted the Member to speak. Remarking that he was making an exception in that case and that it should not be a precedent the Speaker ruled

An hon Member who is either inattentive or could not hear his being called loses his chance—
Parliamentary Deb Part II 18 March 1950 p 1756

248 DEBATE NO REFERENCE TO PARTY MEETING IN

During the second reading stage on the Bill to give effect to the financial proposals of the Central Government on 30th March 1950 Shri Nagal in the course of his speech began to refer to what the Hon Minister of Finance and Supply said that meeting is the party meeting.

Debate, General—contd

The Speaker observed

"There should be no reference to what happened in the party meeting"—Parliamentary Deb, Part II, 30 March, 1950, p 2322

Regulation of

249 DEBATE PRINCIPLES ON WHICH CHAIR REGULATES DEBATE

On resumption of general discussion of the general budget on the 6th March, 1936, the President made the following remarks explaining the principles on which he regulated the debate

"Then, before asking the House to resume the general discussion, the Chair wishes to explain the principles on which it has been attempting to regulate the debate especially on occasions of this nature. The Chair finds that there are many Members who wish to speak but it is not possible for the Chair to accommodate them all within the time that has been allotted. The concern of the Chair naturally is to see that there is a fair debate, and, for that purpose, it is the duty of the Chair to give opportunity, as far as possible, to every class of opinion in the House, as composed, to speak, especially on the budget. As regards the Groups, from some of the speeches that were delivered yesterday, there seems to be an idea that the front benchers had a better advantage than those who sit on the back benches. As regards that, all the Chair is responsible for is that so many seats are allotted to particular Groups according to the strength of each Group and it is for the Parties themselves to distribute the seats among their own members. In the case of the organised Groups, the Chair expects that fewer men can speak the mind of the Party than in the case of others. The Chair has further to take into consideration, in a debate of this nature, the different provinces which are affected by the budget of the Government of India. Then, there are special interests. Therefore, the Chair has been trying to regulate the

Debate, Regulation of—contd

debate having regard to all these considerations, and, if some Honourable Members do not find an opportunity to speak during the general discussion, there will be other opportunities for them to take advantage of"—L A Deb, 6 March, 1935, p 1727

250 DEBATE SELECTION OF SPEAKERS BY THE CHAIR

On 22nd March 1944, during the course of the Debate on the Finance Bill the President observed

"As regards the selection of speakers, the duty undoubtedly lies on the Chair, whoever may be occupying the Chair at the moment—the President, the Deputy President or one of the Chairmen—to regulate the debate as best as he can. It is also incumbent on Honourable Members of the House to give him all the assistance they can in regulating this debate. I wish to remind Honourable Members that there are many interests which the Chair has to take into account in making a selection of the speakers. There is not only the Opposition proper there are several Groups, five or six of them there is also the Government—and no Government Member has spoken till now—there are eleven Provinces to be considered, the eleven Provinces represented by different Honourable Members there is the European Group, there are other interests, such as labour, there are the representatives of Indian Christians, Anglo-Indians and the Scheduled Castes and so on, the House will realise that it is not an easy task for the Chair to regulate such a debate, bearing in mind all the different interests concerned. I may point out that while the Chair always bears in mind that the different Groups of the House would like to put up speakers to participate in the debate, there are also Honourable Members who do not belong to any Party, and they are also entitled to participate in this debate, the claim that the number of speakers must accurately represent the strength of each Group has never been recognised as a valid

Debate, Regulation of—contd

one, though the Chair undoubtedly tries its best to see that there is a proper balance in the debate I shall therefore ask for the co-operation of all Honourable Members to enable the Chair to regulate the debate in proper and reasonable manner"—
 —L A Deb, 22 March, 1944, p 1415

251 DEBATE CATCHING THE SPEAKER'S EYE—PROCEDURE STANDS IRRESPECTIVE OF NAMES GIVEN TO SPEAKER BEFOREHAND

On the 7th December, 1950, when the House took up further consideration of the Prime Minister's motion on the International Situation, Sardar B S Man asked the Chair whether there has been any departure from the usual practice of members rising in their seats to catch the eye of the Speaker in order to get an opportunity to speak or they should "catch the favour of the Chief Whip" and have their names sent to the Speaker in advance

The Speaker, then, observed —

"I have made it quite clear again and again that no one need place himself at the mercy of anybody, except perhaps at the mercy of the Speaker. The old procedure stands, and whatever names may be before me, I am not bound to follow those names. I am not following the names in the order I have got them. But I am calling persons on certain principles, I think, though sometimes it is difficult to settle what those principles are"—
 Parl Deb, Part II, 7 December, 1950, Col 1318

Interruptions of

252 DEBATE INTERRUPTIONS NOT IN ORDER UNLESS MEMBER SPEAKING GIVES WAY

Mr S Srinivasa Iyengar interrupting and Sir Bhopendra Nath Mitra refusing to give way,—

The President ruled "No Honourable Member is entitled, except for raising a point of order, to interrupt a speaker unless the speaker is himself willing to give way"—L A Deb, 14 September, 1928, p 777

Debate, Interruptions—contd

253 DEBATE INTERRUPTIONS PERSONAL EXPLANATION CONTINUOUS INTERRUPTION NOT ALLOWED ON

During Mr Puri's speech on the Indian States (Protection) Bill, Mr Ranga Iyer began to interrupt, when the President observed

"If an Honourable Member wants to make a personal explanation in the middle of a speech of another Honourable Member, the Member making the speech must give way, and if the Honourable Member does not give way, then the Honourable Member who wishes to make a personal explanation must wait until the Honourable Member who is speaking has finished his speech, and then he should ask the permission of the Chair to make any personal explanation"—L A Deb, 5 April, 1934, pp 3268-76

Courtesy of

254 DEBATE COURTESY OF MEMBER MAKING ALLEGATIONS SHOULD BE IN HIS SEAT TO HEAR THE REPLY

During the course of the general discussion on the Budget, a Member made a serious charge against the Government, but was absent from his place when the Leader of the House rose to deny it

Whereupon the President observed "I think it is very wrong on the part of the Honourable Member that he should make such serious and pointed charges against Government and not be in his place to hear the reply,"

And after the Member had returned to his place, emphasized his previous observations and said "Before we proceed further, I should like to emphasize in the presence of Mr Jamnadas Mehta, what I said a few minutes ago regarding his absence from the Chamber Honourable Members are aware that no Honourable Member should be absent from this House in a debate in which the Honourable Member himself has taken part and

Debate, Courtesy of—contd.

made very serious allegations against any other Member or a Party. It is no excuse for him to say that, had he known that a reply was likely to be forthcoming, he would have been present. It is his business to sit in the House and watch further proceedings. Having made a pointed speech, with such serious allegations against a Party in the House, it is certainly very improper for the Honourable Member to absent himself, as he has done, and I think he owes an apology not only to the Chair but also to the House”

Mr Jamnadas Mehta apologised and explained that he was in the lobby talking to a friend when Government made the statement—L A Deb, 5 March, 1929, pp 1543-46

255 DEBATE MEMBER MAKING SERIOUS CHARGE IN A LIGHT-HEARTED MANNER AGAINST PERSON PROMINENT IN PUBLIC LIFE REPRIMANDED

Mr K Ahmed in the course of a speech said that Pandit Motilal Nehru had brought into a certain conference “a man from Bengal called Maulana Abul Kalam Azad on a hired cart. I was told that a payment at the monthly rate of Rs 600 was made to him”

The President intervened and observed “The Honourable Member knows that the gentleman, whom he refers to, is not here to defend himself. The conduct of the Honourable Member in making such a serious charge in such a light-hearted manner against one, who holds a prominent position in the public life of the country, is certainly reprehensible”—L A Deb, 12 March, 1929, p 1829

256 DEBATE COURTESY OF MEMBER SENDING NOTICE OF MOTION CONTAINING ALLEGATIONS AGAINST GOVERNMENT SERVANTS SHOULD BE IN HIS SEAT TO MOVE OR WITHDRAW IT AND MAKE PROPER AMENDS IF THE ALLEGATIONS ARE UNFOUNDED

When the further discussion on the Resolution *re* interference from public servants in the ensuing elections was resumed on 29th January, 1937, Maulana Shaukat Ali, who

Debate, Courtesy of—contd

had given notice of an amendment to the Resolution, containing allegations against certain individuals holding official position was absent from his seat

Sir Muhammad Yamin Khan rose to a point of order whether it was a right and proper thing for a Member of the House to make allegations in writing against certain individuals holding official position and not be present when the motion was called, to substantiate those allegations

The President ruled "The amendment calls in question the official conduct of two gentlemen named there I think there is force in the point raised by Sir Yamin Khan that when an allegation of that character is made against officials by name or even otherwise, it is the duty of the Honourable Member who has given notice of such a motion—and that motion has already been circulated—to be present here to move it or withdraw it and make proper amends if those allegations are unfounded"

—L A Deb 29 January, 1937 p 323

Parliamentary Etiquette

257 DEBATE PARLIAMENTARY ETIQUETTE EXPRESSIONS UN-PARLIAMENTARY EXPRESSIONS DEPRECATED EXPRESSIONS NOT CONSIDERED UNPARLIAMENTARY

Expressions unparliamentary

(1) To use the word 'indecent' in connection with speeches —L A Deb, 24 September, 1924, p 4071

(2) To describe the Assembly as "imbecile" —L A Deb, 28 January 1925, p 397

(3) To describe a member's speech as "intentionally misleading" —L A Deb 17 February, 1925, p 1131

(4) To use the expression "rotten lie" —L A Deb, 1 March, 1927, p 1561

(5) To suggest that any other member has no intelligence, e.g., "I cannot give the Honourable Member the

Debate, Parliamentary Etiquette—contd

intelligence to understand"—L A Deb 16 March, 1927,
p 2374

(6) To characterise another member as "one of those who were prepared to sell their souls"—L A Deb, 5 April, 1929, p 2892

(7) To characterise another member as "only a Mussalman by name"—L A Deb, 11 September, 1929, p 654

(8) To say that a certain member has taken a 'mean advantage of'—L A Deb 3 October, 1931, pp 1472 and 1473

(9) To use the words "any one who will support a thing like that has no respect for his mother or for womanhood" in reference to a particular member—L A Deb 3 February, 1932, p 432

(10) To describe a member as being a 'henchman' of another member—L A Deb 18 March 1932, p 2239

(11) To call another member a "buffoon"—L A Deb, 16 November, 1932, p 2221

(12) To use the expression "ungentlemanly method" with reference to another member—L A Deb 15 February, 1933 pp 718-1^o

(13) To call another member a 'cad'—L A Deb, 11 April 1934 p 3613

(14) To describe the Assembly as "monkey house"—L A Deb, 12 March, 1935 p 2220

(15) To describe a certain member as repeating 'quite maliciously'—L A Deb 27 February, 1936, p 1720

(16) To describe the attitude of a member as smacking of "cowardice"—L A Deb 18 March 1936, p 2798

(17) To call another member a 'traitor'—L A Deb 9 October, 1936, p 2804

(18) To say in the course of a speech "I am merely mentioning this to question the sincerity of "—L A Deb, 17 August, 1938, p 688

Debate, Parliamentary Etiquette—contd

(19) To remark "what is the attitude of the Chair I do not know"—L A Deb, 17 November, 1938, pp 3137-38

(20) To use the expression "To hell with the Government"—L A Deb, 13 March, 1939, p 1945

(21) To use the word 'criminal' in expressions like "It should be criminal on the part of Honourable Members"—L A Deb, 5 April, 1939, p 3390

Expressions deprecated

(1) To use the expressions "ridiculous nonsense" and "untrue" in commenting upon a member's speech—L A Deb, 18 September, 1924, p 3738

(2) To say that "the tea-sellers of Peshawar were more respectable than a certain member"—L A Deb, 22 August, 1938 p 749

(3) To use the words "Then, why be here at all" by a member on being informed by a Government member that notice of a certain question was required—L A Deb, 7 December, 1938, p 3973

(4) To describe (nominated) members of the Assembly as persons who "sow evil and reap good"—L A Deb, 22 September, 1939, p 890

Expressions not considered unparliamentary

(1) To cast suspicions on the intentions of the Government as a whole, e.g., "We have a very grave suspicion of the Governor General in Council We consider that the Governor General in Council is a conspiracy"—L A Deb 27 January 1926 p 361

(2) To describe an Honourable Member's statement as incorrect—L A Deb, 3 February, 1932, p 422

(3) To describe a member as "exploiting a certain situation"—L A Deb, 1 April, 1933 p 3051

258 DEBATE PARLIAMENTARY ETIQUETTE EXPRESSION UN-PARLIAMENTARY

In the course of supplementary questions and answers, an answer was given in the following terms—

"The Honourable Member is, as usual, completely wrong in referring to any vested interests in this

Debate, Parliamentary Etiquette—contd

connection and in saying that those interests stand in the way of the Government of India coming to a decision".

whereupon the member who put the question remarked—

"The Honourable Member is, as usual impertinent"

The Government Member remarking—

"The Honourable Member is as usual, making insinuations", the member (Mr K C Neogy) again said "I repeat that the Honourable Member is, as usual impertinent" The President called the member to order saying that that was unparliamentary—
L A Deb, 19 November 1943 p 553

259 DEBATE MAINTENANCE OF DECORUM IN UNPARLIAMENTARY EXPRESSION "A TISSUE OF LIES"

During the course of the debate on the Finance Bill, when the Honourable Dr B R Ambedkar Member for Labour, was referring to the comparative success at the primary elections of Scheduled Caste Federation Candidates and the Congress candidates Diwan Chaman Lall characterised his statement as "a tissue of lies", the President intervening observed

It is no use introducing heat in the debate when the Honourable Member is giving the facts The point was raised and the reply was invited and whatever he has to say must be heard patiently I am not concerned with the question as to whether what he said is a fact or not but no Honourable Member of the House is entitled to or can say that what the other Honourable Member was saying was 'a tissue of lies'

Diwan Chaman Lall then withdrew the expression and substituted for it "a tissue of terminological ineffectitudes".—L A Deb 26 March 1946 p 2929

260 DEBATE PARLIAMENTARY ETIQUETTE

To say "I am not accustomed to support people against my conscience like other Members of this House" was held

Debate, Parliamentary Etiquette—contd

unparliamentary and the words were withdrawn —L A Deb , 12 February, 1946, p 884

261 DEBATE EXPRESSION OFFENSIVE ATTRIBUTING MOTIVES TO THE CHAIR DEPRECATED

On the 7th March, 1950, when the Speaker did not disclose the name of the Member giving notice of an adjournment motion, Mr Kamath asked whether it was in accordance with parliamentary convention that the Speaker has been “blacking out the names of hon Members who give notice of adjournment motions”

The Speaker thereupon observed

“I must express my disapproval of the expression ‘blacking out’ It is not only offensive, but it attributes some motives and suggests that I have something at the back of my mind to keep back the name That is the implication of it”

The Member concerned withdrew the expression — Parliamentary Deb Part II 7 March 1950 p 1177

*Unparliamentary Expressions***262 DEBATE UNPARLIAMENTARY EXPRESSIONS USE OF STRONG CONDEMNATORY EXPRESSIONS LIKE ‘NONSENSE’ OR ‘UTTER NONSENSE’ THOUGH NOT UNPARLIAMENTARY NOT DESIRABLE**

On the 18th March 1950 Shri Kamath asked the Speaker whether it was parliamentary for a Member while referring to the speech of another Member to use the terms “nonsense” or “utter nonsense”, whereupon the Speaker observed

“Strictly speaking, the expression is not unparliamentary But, I would certainly appeal to all Members not to use strong expressions in that manner, because, after all if one uses it another uses it in reply and all the time the level of the debate goes down In the interest of the dignity of the House and the level of the debate, it is not desirable that strong expressions condemning others should be used”—Parliamentary Deb Part II 18 March, 1950 p 1749

Debate, Parliamentary Etiquette—contd

263 DEBATE UNPARLIAMENTARY LANGUAGE ON

During the half-an-hour discussion on the 24th March, 1950, Shri H V Kamath, who initiated the debate remarked “If the Minister has not got the guts to order an inquiry ”

The Speaker in calling the hon Member to order said
“Let him not use such words”

Thereupon, Shri Kamath withdrew the words—Parliamentary Deb, Part II, 24 March 1950, p 2108

General

264 DEBATE MEMBERS MUST NOT ADDRESS OTHER MEMBERS IN THE SECOND PERSON

A member proceeded in the course of his remarks to address another member as “You”, when—

The President intervened and pointed out that a member should not address another member as “you”—L A Deb, 6 September, 1932, pp 165 and 166

265 DEBATE UNPARLIAMENTARY LANGUAGE ATTENTION OF CHAIR MUST BE DRAWN AS SOON AS SUCH LANGUAGE IS USED

Speaking on the Indian Press Bill, Mr B Das alleged that the Home Member had used unparliamentary language that morning, when—

The President pointed out “The Honourable Member ought to have drawn the attention of the Chair to it if he regarded any expressions as unparliamentary As soon as any unparliamentary expression is used, it is open to any Honourable Member sitting anywhere in the House to call attention to it If that were done, the Chair would take action if it was satisfied that the expression was really unparliamentary”—L A Deb 1 October, 1931, p 1350

Debate, Parliamentary Etiquette—contd

266 DEBATE DECISION OF HOUSE MEMBERS NOT ENTITLED TO REFLECT ON

Speaking on his motion to reduce the grant under "Miscellaneous" in respect of the expenditure on the Indian Statutory Commission Pandit Motilal Nehru asked for a ruling as to whether, after the Assembly had decided on the merits of the question on a previous resolution, it was open to the House to discuss them afresh

The President ruled "The established Parliamentary rule of debate is that no Member is entitled to speak against or reflect on any determination of the House except on a motion for rescinding it. This is not such a motion, and therefore no Member will be entitled to speak against or reflect on the determination of this House arrived at on the Resolution of Lala Lajpat Rai. What the Honourable Member proposes to do now is not to reflect upon the determination of the House but to speak in support of it. But if I were to allow the Honourable Member to speak anything in favour of the determination of the House already recorded it would be unfair to shut out the other side. Therefore I rule out every argument in favour of or against the determination of this House" —L A Deb 13 March 1928, pp 1380-81

267 DEBATE DECISION OF HOUSE MEMBERS NOT ENTITLED TO REFLECT ON

While presenting the Budget for 1937-38, the Finance Member in the course of his speech characterised the vote of the Assembly as 'lighthearted' and on Mr Satyamurti rising to a point of order, the President ruled

"The Chair thinks it is a reflection on the vote given by Members of this House"

The word 'lighthearted' was subsequently changed to 'optimistic' —L A Deb 27 February 1937 p 1154.

Debate, Parliamentary Etiquette—concl'd

268 DEBATE REFLECTION ON CONSTITUTION OF COUNCIL OF STATE NOT IN ORDER

In the course of his speech on the Reserve Bank Bill, Mr B Das proceeded to refer to the constitution of the Council of State whereupon—

The President intervened and ruled “No reflection should be cast on the constitution of the other House on the floor of this House”—L A Deb 27 November, 1933 p 2223

DEPUTY PRESIDENT

269 DEPUTY PRESIDENT ELECTION OF NOMINATION BY MEMBER OF MORE THAN ONE CANDIDATE FOR DEPUTY PRESIDENCY HELD IN ORDER

In connection with the election of the Deputy President, a Member enquired whether an Honourable Member could propose or second more than one candidate for election to the office of Deputy President on which,—

The President observed “Do I understand the Honourable Member to ask whether such a nomination paper is valid? There is nothing in the rules with regard to this particular point but if some Honourable Member wishes to nominate two Honourable Members with a view to giving each of them a sporting chance, the Chair would not have any objection”—L A Deb, 20 March, 1933 p 2234

DIVISION

270 DIVISION MANNER OF TAKING

On the 19th February, 1921, on a Division being called on a certain motion,—

The President informed the House that the procedure on Division would be as under “I may say for the information of Members that when a Division is challenged, it will be called from the Chair, and that then the bells will be rung for two minutes in order to enable Members not present in the Chamber, when the Division is called, to resume

Division—contd

their places At the end of two minutes, the question will again be put from the Chair and thereafter the Division will be taken"—L A Deb, 19 FebruaIy, 1921, p 289

271 DIVISION SPEECH DURING DIVISION IRREGULAR

After the President had put the question on a certain Bill for the first time, an Honourable Member proceeded to address the Chair on the Bill itself

The President ruled "It is very irregular to address the House during the process of a division Points of order are allowed, but they should be strictly related to the issue before the House, which is whether a division should be taken or not If any irregularity occurs during the taking of the division, then it is the duty of course, of Members to draw the attention of the Chair to it, but any other form of addressing the House is irregular and will be ruled out of order"—L A Deb, 21 March, 1921, p 1459

272 DIVISION PRESENCE OF STRANGERS IN CHAMBER FORBIDDEN NON-MEMBERS TO VACATE LOBBIES DURING—

On attention being drawn to the fact that persons other than members were present in the House and in the Lobbies during division,—

The President pointed out "The entry of persons into the Chamber itself or any part of it except that to which admission is made by tickets, *viz* the galleries above, is forbidden Those who not being Members of the House are admitted to the lower galleries and corridors are the messengers and others engaged in the business of the House and certain officers of Government whose presence is required for the assistance of Members of the Executive Council and Secretaries engaged in the business of the Chamber The presence of any other person is forbidden"

And added that when a division was taken all persons, including those to whom a courtesy right of access

Division--contd

is allowed, must vacate the lobbies so that there might be no interference of any kind with the liberty of Members voting during a division—L. A Deb 10 January, 1922, pp 1460-61

273 DIVISION UNDUE INFLUENCE ON MEMBERS VOTING

It was brought to the notice of the President that a certain Member was attempting to force another Member into a particular Lobby

The President remarked "Interference of that kind is a serious offence. The question is one of important principle. The working of this Assembly is based upon the right of free speech and any invasion of that right calls for the severest rebuke from the Chair. I do not propose to take notice of the fact that the Honourable the Home Member has mentioned a particular Member by name and, therefore, my remarks are addressed to the House and not to any individual Member"

The right of free decision in the Division Lobby is a very important element in the right of free speech, and the Chair may always be relied upon to uphold it"—L A Deb, 26 January, 1922, p 1981

274 DIVISION MEMBER VOTING UNDER MISAPPREHENSION ALLOWED TO CORRECT MISTAKE BEFORE THE DIVISION IS CLOSED

On a point of order being raised that a Member had voted on the wrong side under a misapprehension,—

The President ruled "It is proper Parliamentary practice that an Honourable Member voting under a misapprehension is allowed to correct his mistake, provided he brings it to the notice of the Chair before the division is closed. Therefore in this case I think the Honourable Member is entitled to have his vote transferred"—L A Deb, 16 March, 1922, pp 3161-62

DIVISION—contd

275 DIVISION CHAIR'S DISCRETION TO ORDER STANDING ORDER 30(2)

On an amendment being put to the House.—

The President declared "the Ayes have it and, there being cries of 'No' said "The volume of sound for Ayes is so preponderating that I do not think a division is necessary"

Whereupon a Member said that under Standing Order 30(2) even a single Member was entitled to call for a division

The President observed It is perfectly open to the President, if he is satisfied on the shout that there is a clear preponderance of opinion on one side and that the division is asked for fraudulently and merely for purposes of delay, to refuse the demand for division

On a Member quoting the Standing Order—

The President asked the Members for and against the amendment to stand in their places—L A Deb., 5 June 1924 pp 2659-70

Division—contd

his illness unable to go to the lobby during the Session—
L A Deb , 7 February, 1935, p 568 and 22 February, 1935,
p 1255

278 DIVISION VOTING PAPERS ONCE RETURNED CANNOT BE TAKEN BACK

During a division on a supplementary demand, before the result was declared, a point of order was taken that voting papers after having been handed to the Secretary should not be taken back to the lobby again; whereupon the President remarked

"The Chair understands that the paper was taken back, but the votes were not recorded. The paper ought not to be taken back except with the Chair's permission"—L A Deb , 26 March, 1935, p 2792

279 DIVISION WHILE VOTING IS IN PROGRESS DEPUTY PRESIDENT IS DEBARRED FROM PUTTING A 'CHAIRMAN' IN THE CHAIR IN ORDER TO RECORD HIS VOTE MEANING OF THE WORD 'ABSENCE' IN RULE 3 'AYES' AND 'NOES' LOBBIES INTEGRAL PART OF THE HOUSE DURING DIVISION DEPUTY PRESIDENT OR CHAIRMAN WHO HAS ALREADY RECORDED HIS VOTE IS PRECLUDED FROM PRESIDING AT THE TIME OF DIVISION [GOVERNMENT OF INDIA ACT, 1935, 9TH SCHEDULE, SECTION 63D(4)]—INTERPRETATION OF

**DEPUTY PRESIDENT RIGHTS OF SPEECH AND VOTE RULING OF
—FINAL NO APPEAL LIES TO PRESIDENT OCCASION WHEN IT IS DESIRABLE THAT HOUSE SHOULD HAVE OPINION OF PRESIDENT DUTY OF PRESIDING OFFICER TO ENSURE CONTINUITY OF PRACTICE AND CERTAINTY OF PROCEDURE**

While a division was proceeding the Deputy President who was in the Chair vacated the Chair for a while and one of the Panel of Chairmen occupied it. After a couple of minutes the Deputy President resumed the Chair. Just as the result of the division was about to be announced a point of order was raised whether a Chairman could take the Chair while the Deputy President was in the House, and a query was asked as to what would happen in case of a tie

Division—contd

The Deputy President remarked that the question did not arise and as regards future occasions the President could be asked for a ruling. The point was again raised by the Leader of the House whereupon objection was taken that the previous ruling could not be challenged and that points of order could not be taken in advance and on hypothetical considerations without any immediate occasion and facts requiring it. It was also suggested that the lobby was not part of the House. After allowing discussion on the point the President gave the following ruling:

"The House will remember that last Thursday I promised to consider certain questions which the Leader of the House raised before me in connection with a certain incident that had happened in the House during my absence.

On that day (the 1st September 1938) when division was proceeding on an amendment to clause 15 of the Motor Vehicles Bill, Mr Deputy President who was then in the Chair vacated the Chair for a while to record his vote and Mr S Satyamurti (who is on the Panel of Chairmen) at the former's request occupied the Chair. After a couple of minutes Mr Satyamurti vacated the Chair and Mr Deputy President having by that time recorded his vote, again occupied the Chair. When Mr Deputy President was about to announce the result of the division two points of order were raised—one by Dr Sir Ziauddin Ahmad whether an Honourable Member who is on the Panel of Chairmen, can take the Chair while the Deputy President was in the House and the other point of order was raised by the Leader of the House Sir Muhammad Zafrullah Khan enquiring what would happen if there was a tie. On the first point of order Mr Deputy President ruled that on the present occasion that question did not arise, and, with reference to the second point of order he observed that while he voted, he was not in the Chair and when Mr Satyamurti voted, he (meaning Mr Satyamurti) was not in the Chair and ruled that not being in the Chair when he voted he had a right to vote.

Division—contd

After further discussion, Mr Deputy President stated—

'So far as the present occasion is concerned, it is finished. As regards future occasions, in the interests of the Honourable the Leader of the House, from his point of view it will be more welcome to have a decision on this point from the President himself, because my opinion may after all be biased. Therefore, we will have a ruling from the President himself'

Thereupon the Leader of the House, when I returned to the House, asked for my ruling for purposes of future guidance and also for purpose of record. I do not quite understand what he meant by the last suggestion, that is, 'for purposes of record', because the record will be of the facts as they happened. But if he meant by that that I should pronounce whether the vote given by Mr Deputy President was valid or not, then I hold that, according to the established practice of this House, Mr Deputy President having given his ruling that his vote was valid no appeal lies to me as President, and there can be no question of my reviewing or reversing his ruling, so that his vote must stand on the records. So far, therefore, as I am concerned, that particular matter must be taken to be settled by the ruling of Mr Deputy President who was in the Chair at that time.

For purposes of 'future occasions', however, I will deal now with the two questions that have been raised before me. But before I do so I may mention that the Deputy President is elected to his office by the Members and according to the convention and practice that has prevailed hitherto, he is entitled to exercise all the rights of speech and vote which any other Member of the House enjoys. I have always borne this fact in mind in calling upon him to take the Chair during my absence and have endeavoured to see that his desire to speak or vote on any question, in which he feels himself especially interested is not frustrated, as far as it can be helped.

IVISION—contd

Similarly, in the case of the four Members, who are nominated to the Panel of Chairmen by the President and who are generally persons occupying prominent positions in their Parties, the President or the Deputy President, as the case may be, has to bear this fact in mind whenever he requests any of them to take the Chair.

Rule 3 lays down that 'anyone of the Panel of Chairmen may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President' The word 'absence' here has always been understood—and rightly so—to mean absence from the House. The next question is whether the 'Ayes' and 'Noes' lobbies are part of the House during a division. Although both Mr Bhulabhai Desai, the Leader of the Opposition, and Mr M S Aney, the Leader of the Nationalist Party strenuously contended otherwise I have no hesitation in holding that at least from the moment the voting has commenced until it has ceased, the 'Ayes' and 'Noes' lobbies, to which no strangers are allowed access and which are accessible only from the Chamber during that period are an integral part of the House, where the Members discharge their responsibility of recording their votes. The result, therefore, is that while the voting is going on, the Deputy President is debarred from putting a Member on the Panel of Chairmen in the Chair in order to record his vote, for he would still be in the House and according to Rule 3, it is only when he is going to be absent from the House that he can request a Chairman to take the Chair.

The next question on which I am asked to express my opinion is What will happen in the event of an equality of votes as contemplated in section 63D(4) of the Government of India Act in circumstances similar to those of the present case, i.e., if the Deputy President or a Member on the Panel of

Division—contd

Chairmen having recorded his vote was in the Chair at the time of division That section says

'All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes'

This expressly debars the presiding Member from voting on a division, but he is given a casting vote—not a second vote—which he is bound to exercise, in the case of an equality of votes The result is that the Deputy President or a Member on the Panel of Chairmen, as the case may be, who has already recorded his vote, is precluded by clear implication from presiding at the time of division—say, at the least, when the voting has concluded and the result of the division is to be announced—as he would not be in a position to determine the question at issue by his casting vote if there happened to be an equality of votes

I ought to mention that Mr Bhulabhai Desai objected to my expressing any opinion in the matter at all even for purposes of future guidance, as the facts had happened while the Deputy President was in the Chair and he had given his ruling But it must be borne in mind that the facts upon which the question has arisen could only happen while the Deputy President is in the Chair and no precedent was available, as no such thing had occurred before in the history of the Assembly, and the Deputy President himself, recognising the constitutional and practical importance of the questions that were raised before him, very rightly and properly invited a 'ruling'—perhaps, more accurately, an expression of opinion—from me for purposes of 'future occasions'

Even independently of the desire expressed by Mr Deputy President, I consider it desirable that the House should have the opinion of the President on these questions, and I am supported in this by what the Speaker of the House of Commons said on 4th

Division—contd

July, 1912, in answer to an objection similar to that now raised by the Leader of the Opposition He said

'It may be that the Speaker is not a Court of Appeal from the Chairman of Ways and Means, but, on the other hand there may be occasions on which it is desirable that the House may wish to have the opinion of the Speaker with regard to the construction of the Standing Order and not particularly in reference to what occurred in Committee but in reference to what may occur in the House too I see no objection'—(House of Commons Debates 1912. Vol XL Col 1228)

Division—contd

President after considering the point ruled the next day as follows

With reference to the matter which was brought to my notice yesterday by Pandit Krishna Kant Malaviya—I have made enquiries as to what happened when the division was called. I understand that in certain rooms there is a division bell and that bell is tested every morning whether it is in order or not because, complaints have sometimes been received that it goes out of order. However, it is not very often that it goes out of order. As Honourable Members are well aware it is for their own convenience that this device has been adopted and on the whole it has worked satisfactorily. So far as I am aware very seldom have complaints been made that the arrangement does not work satisfactorily. I can realise that in some cases

Division—contd

S 545) He at once pointed that it could not be a point of order but that he would order an enquiry as to what had happened'—L A Deb, 16 September, 1938 pp 2579, 2613-15 and 17 September, 1938 pp 2619-20

281 DIVISION MANNER OF TAKING NAMES NEED NOT BE RECORDED

On a closure motion the President after counting the Members saying 'Aye' and 'No', declared that the motion had been adopted, whereupon a member said that some of the members were very keen on having a proper division so that their names could be recorded. But the President pointed out that it had often been ruled in the Assembly, following the practice of the British Parliament that it was not necessary to take down the names. The member wanted to know how many the 'Ayes' and 'Noes' were but the President said it was not necessary that he had considered the matter very carefully and had seen that the names need not be recorded—L A Deb 1st August 1943 p 770

Division—contd

of the British House of Commons in the matter. There if the Speaker or the Chairman is of the opinion that the Division is unnecessarily claimed, he takes the vote of the House or the Committee by calling upon the Members who support and who challenge his decision to rise in their places and thereupon as he thinks fit either declares the determination of the House or the Committee or names tells for a Division (House of Commons Standing Order 31). The number of the voters is not even announced to the House by the Speaker who simply announces the decision. In the Assembly however some Members have at times shown a keen desire in such cases to have the names taken down of those who voted for them or against them and on two or three occasions the President acceded to the demand. But on investigating the matter further in 1939 I found that the practice generally in the Assembly was in accordance with that of the House of Commons that is not to record the names of voters and I have ever since acted accordingly. It is obvious that otherwise the very object of this method of taking votes would be frustrated. The President would not depart from the ordinary method of having votes recorded in the Division Lobbies unless he was satisfied in any particular case that there was a clear preponderance of opinion in support of his declaration and against the challengers.—L A Deb 8 November 1943 pp 26-27

283 DIVISION DIVISION LOBBY ENTRYS OF EXECUTIVE COUNCILLORS WHO ARE MEMBERS OF THE COUNCIL OF STATE DURING VOTING

On a question being raised in a letter addressed to the President by a Member whether it was in order for Honourable Members of the Executive Council who were Members of the Council of State to be present in the Division Lobby at the time the voting was in progress on the 5th February 1947 the President ruled —

Notwithstanding the fact that an Honourable Minister who is a Member of the Council of State has a

ivision—contd

right of attending and addressing the House he has no right of voting, and therefore though the Lobbies are an integral part of the House to enable the Members of the Assembly to discharge their responsibility of recording their votes an Honourable Minister who is a Member of the Council of State having no right to vote in this Assembly cannot have any access to the lobbies while voting is going on In pursuance of the direction of the President to the 'AYES' and 'NOES' to go respectively to the Right and Left Lobbies only 'Ayes' and 'Noes' i.e. Members of the Assembly who have a right to vote are entitled to go therein and none who is not a Member of the Assembly has any right to enter or be present in Lobbies while any Division is in progress' —L A Deb., 14 February 1947 pp 628-29

FINANCE BILL**General****84 FINANCE BILL SCOPE OF DISCUSSION REVIEW OF ADMINISTRATION IN ORDER**

In the course of his speech on the Finance Bill Pandit Irdav Nath Kunzru referred at length to the question of export duty on hides when Sir Basil Blackett pointed out that the particular question had already been settled in a previous debate

The President ruled On the Finance Bill the whole administration comes under review and it is very difficult to rule this out I would however ask the Honourable Members not to reopen the question which has been fully discussed —L A Deb 24 March 1927 p 2717

85 FINANCE BILL CONSIDERATION MOTION SCOPF OF DISCUSSION ON

During the discussion on the Finance Bill Pandit Krishan Kanji Malaviya proceeded to refer to the European War and the blockade of Germany when the President intervened and pointed out

Finance Bill, General—contd

"The Honourable Member must realise that on this Finance Bill he can discuss any action of the Government of India in any manner he chooses, but not any action of the Government in England

The Honourable Member should not go outside India. He must confine himself to the administration of the Government of India and to the Finance Bill"

The Member then went on to discuss Pakistan and National Autonomous States, whereupon the President reminded him that the Member must confine his criticism to the action of the Government of India and not discuss other peoples' words and policies and added

"So long as the Honourable Member confines himself to a discussion of the Finance Bill or the administration of the Government of India, he is in order, not otherwise"

The Member continuing to talk in the same strain, the President said he would have to ask him to discontinue his speech if he went on like that. The speech was discontinued—L A Deb, 28 March, 1940, pp 1884-92

286 FINANCE BILL COURTESY OF DEBATE PRESENCE OF GOVERNMENT MEMBERS DURING DISCUSSION OF

During the discussion of the Finance Bill, Sir Muhammad Yamin Khan brought to the notice of the Chair that most of the Members of the Executive Council were absent during the discussion while all kinds of subjects were being discussed. The President remarked

"As regards all the Members of the Executive Council being present here, the Chair does not think that is practicable, and it has never been the practice. As regards any arrangements being made by Government for proper notes being taken of the debate, so that the different Members may know what has been said with reference to the working of their Departments, the Chair has no doubt that some arrangements are made",

Finance Bill, General—contd

and added

"The Chair is reminded that there is only one ruling (L A Deb 19 March 1934 pp 2502-06) on this subject, and that is of Mr President, Sir Shanmukham Chetty,—not that all the Members of the Government should be present but that some arrangements should be made and that there should be somebody here on behalf of the Government to take notes and watch the proceedings Barring that, the Chair is not aware of any other ruling and the practice, so far as it is aware has never been that every Member of the Government is present during these discussions But as the Chair has said already, arrangements should be made that some responsible Member or person on behalf of the Government should watch the proceedings and take notes of what is going on"—L A Deb 17 March 1939, pp 2297-98

Scope of Discussion

Finance Bill, Scope of Discussion--contd

when the President intervened and pointed out that "it has been ruled over and over again that Honourable Members cannot go over the railway budget when discussing the Finance Bill"—L A Deb, 18 March, 1941, pp 1954-95

289 FINANCE BILL SCOPE OF DISCUSSION REPETITION OF ARGUMENTS ADVANCED IN GENERAL BUDGET DEBATE AND DEMANDS FOR GRANTS NOT ALLOWED

During the debate on the Indian Finance Bill on 22nd March 1944 observing that the debate had been going on for three full days and was entering the fourth day, the President said

"I must also mention that there is a feeling in the House. I am informed, that there had been a certain amount of repetition and irrelevant matter in some of the speeches I must confess that there has been some repetition and some talk which was not wholly relevant to the Finance Bill even having regard to the large scope that has been allowed in such debates in practice

I must also point out that even in a debate of this nature, that is on the Finance Bill Honourable Members are not expected to repeat arguments which have already been advanced either by themselves or by others, not only on the Finance Bill itself but also in the Budget Debate—that is General consideration as well as Demands for Grants This has been the limitation laid down hitherto and has regulated the practice of this House As regards the scope of the Debate on the Finance Bill, as I have said it is fairly wide, it may cover not only all relevant matters so far as the Bill is concerned but also matters of general administration for which the Government of India is responsible Matters other than these do not come within the scope of this debate"—L A Deb, 22 March, 1944, pp 1414-15

Amendments

290 FINANCE BILL AMENDMENTS NOT IN ORDER IF PROPOSE INCREASE IN TAXATION PROPOSALS FOR INCREASE IN TAXATION CAN BE BROUGHT FORWARD ONLY BY GOVERNMENT ACTS NOT RECITED IN BILL NOT OPEN TO AMENDMENT

Before the clauses of the Finance Bill were taken up for consideration, Sir Malcolm Hailey, on behalf of the Finance Member, asked for a ruling on the admissibility of amendments proposing increased taxation and of amendments to Acts not mentioned in the Finance Bill.

The President ruled "There are really two points of order before the House. The first raises the question of the scope of the Finance Bill and the amendments which will be in order in respect of its scope. The Finance Bill recites the Acts proposed to be amended. Acts not there recited will not be open to amendment by the House."

The second point is the question whether amendments proposing increases in taxation will be in order. The point raised by Dr Gour seems to me to be one for legal argument and interpretation as to whether a measure, in the words of the Statute must be held to cover an amendment or not. On that I am not prepared to pronounce but if it were held that the word 'measure' did include amendment, then I think the Chair would have to rule that that section could not be held to apply to the ordinary process of amendment because in that case it will not only rule out motions to increase a tax but also motions to reduce it. Therefore I put ~~the~~ on one side.

There being nothing in the Rules and Standing Orders relating to amendments to the Finance Bill ~~proposing~~ increasing increases of taxation we are I think ~~bound~~ back upon the procedure of the House of Commons upon which this procedure is based. It is obvious that the Imperial Parliament ~~should~~ confer the same powers and the same ~~rights~~ regarding the levying and appropriating ~~of~~ ~~its~~ revenues which it itself enjoys. ~~Neither~~ ~~in~~ ~~such~~ ~~case~~

Finance Bill, Amendments—contd

of Commons nor the Legislative Assembly is empowered to increase a demand for a grant. The House of Commons is equally forbidden to increase a tax. That general principle has been laid down many times, and I think, that it is one which we ought to apply here. Therefore those amendments which propose increases of taxation will not be in order.

It is not that the proposals are excluded from discussion, but that they cannot be moved on a motion of a non-official Member. That is in strict accord with parliamentary practice in the House of Commons where a motion to propose an increase of tax must be made by a Minister of the Crown.

A Member inquiring whether amendments transferring an item from one part of the schedule to another which would have the effect of increasing the duty would be in order—

The President ruled that they would not be in order—
L A Deb 19 March 1923 pp 3718-19

291 FINANCE BILL AMENDMENTS IN ORDER IF TOTAL EFFECT IS REDUCTION OF TAXATION

Mr Sitaramaraju sought to move an amendment to the postal rates in the Finance Bill which increased the rates in one particular and decreased the rates in another, when it was pointed out that the net effect was to increase the rates and as such the previous sanction of the Governor General was necessary. It was however admitted on behalf of the Government that the total result of the amendment would be to reduce taxation, whereupon,—

The President ruled that under the circumstances the amendment would be in order—L A Deb, 22 March 1933, pp 2381-83

292 FINANCE BILL AMENDMENTS SEEKING TO RETAIN THE STATUS QUO IN ORDER

On the 22nd March 1934 Mr Vidya Sagar Pandya moved the deletion of sub-clause (2) of clause 3 of the

Finance Bill, Amendments—contd

Finance Bill, which proposed to remove the export duty on hides. A Member objected that this would have the effect of increasing taxation and as such could not be moved without the previous sanction of the Governor General.

The President, holding the amendment in order, ruled
 "Amendments which seek to retain the *status quo*
 are in order"—L A Deb 22 March, 1934, p 2583.

293 FINANCE BILL AMENDMENTS SCOPE OF

On taking up clause 7 of the Finance Bill a Member wanted to add a proviso to section 14 of the Indian Income-tax Act 1922 by adding a sub-clause to clause 7 of the Finance Bill, the President observed that an amendment, in so far as it attempted to alter the method of assessment of income-tax, was not in order under the Finance Bill—L A. Deb , 17 March 1925, p 2556

294 FINANCE BILL AMENDMENTS NEGATIVE, OUT OF ORDER

When the Finance Bill was taken up for consideration, clause by clause, and when clause 2, relating to the fixation of duty on salt, was taken up, the President observed.

"There are, I find, amendments to clause 2. Amendments Nos 1* and 2† seem to be out of order, as they are in the negative of the original proposition. The Honourable Members may oppose the clause"—L A Deb , 27 March, 1946, p 3037

Third Reading

295 FINANCE BILL THIRD READING SCOPE OF DISCUSSION ON

On the third reading of the Finance Bill, a Member proceeded to refer to examinations in the Benares and Aligarh Universities, whereupon the President remarked:

"There is nothing about Universities in this Bill. This is the third reading stage Discussion of this"

*By Pandit Thakur das Bhargav. This clause 2 of the Bill was omitted and the subsequent clauses rearranged accordingly.

†By Babu Ram Narayan Singh. This clause 2 of the Bill became

Finance Bill, Third Reading—contd

character may be allowed in the general consideration of the Finance Bill but not at this stage. The Honourable Member must confine himself to the Bill as it has been accepted by the House. He cannot go beyond that'—L A Deb 29 March, 1940, pp 1962-63

GALLERIES OF THE HOUSE

296 GALLERIES OF THE HOUSE PRESS GALLERY POWER OF PRESIDENT TO REFUSE OR WITHDRAW PASSES TO PRESS GALLERY

On the 7th March 1935, the Leader of the House drew attention to certain proceedings of the Assembly which had been misreported in the Press when a Member asked if there was any remedy against misreporting of speeches in the Assembly. The President observed

"The only remedy that the Chair knows of at present is that the President issues passes to the press gallery and in case of any serious misconduct it is certainly within the power of the President to refuse or withdraw any pass that has been issued. Beyond that the Chair is not prepared to say whether the President has any other power. But in this case the Chair does not think it necessary to take any such extreme step",

and added

"Before I ask Honourable Members to proceed to the discussion of the demands for grants, I wish to make it clear that when, in answer to a question raised by the Leader of the House, I said that in this particular case which was brought to my notice, of misrepresentation of what the Chair had said, I did not want to take any action I omitted to explain that I did not want to take any action in the present case because it is the first offence of the kind that has been brought to my notice. And I want also to make it clear to the House and to the press that if any such offence is repeated that is to say, the proceedings of this House are in any way deliberately misrepresented in the Press, the Chair will

Galleries of the House—contd

certainly use all its powers in order to put a stop to it"—L A Deb, 7 March, 1935, pp 1781-82 and 1813

297 GALLERIES OF THE HOUSE VISITORS' GALLERY NO QUESTION CAN BE RAISED re CANCELLATION BY THE PRESIDENT OF PASSES FOR

On the 20th September 1935, after question time the President made the following remarks regarding certain gallery passes

"I have to inform the House that I have received a letter from the Honourable Member, Pandit Sri Krishna Dutta Paliwal, saying that he wishes to raise the question as to the cancellation of certain passes to the galleries of this House under my orders. I cannot allow such a question being raised. I may, however, inform the House that I acted in the discharge of my responsibility in that matter upon the information that I received for the safety of the House, and I may also inform the House that there have been very few cases in which I have had to cancel passes already issued"—L A Deb, 20 September, 1935, p 1414

298 GALLERIES OF THE HOUSE VISITORS' GALLERY OCCUPATION OF SEAT IN THE VISITORS' GALLERY BY A MEMBER FOR ANY LENGTH OF TIME NOT DESIRABLE

A certain Member after making a speech went and occupied a seat in the Visitors' Gallery. Reference was made to him in a subsequent speech and it was pointed out that he was sitting in the Visitors' Gallery

The President observed "I take this opportunity of informing Honourable Members that the Visitors' Gallery is intended for Visitors and that it is not desirable that any Honourable Member should go and occupy any seat in the Gallery for any length of time"—L A Deb, 22 February, 1927, p 1153

299 GALLERIES OF THE HOUSE VISITORS' GALLERY REFERENCE TO PRESENCE OF STRANGERS IN THE VISITORS' GALLERY

Galleries of the House—contd

NOT IN ORDER

On a Member referring in the course of his speech to the presence of persons in the galleries of the Assembly,—

The President ruled that such references were out of order, and said "This is the second time that reference has been made to the presence of persons in the gallery, who, from the point of view of the Chair, are invisible"—L A Deb, 1 February, 1922, p 2095

GOVERNOR GENERAL

300 GOVERNOR GENERAL ADDRESS TO THE ASSEMBLY UNDER-SECTION 63B (3) OF THE GOVERNMENT OF INDIA ACT CIRCULAR IN CONNECTION WITH SUCH ADDRESS

On the 13th September, 1935, the President made the following remarks in connection with a question by Mr Sri Prakasa as to the authority under which circulars are issued by the Secretary of the Assembly in connection with the address of the Governor General to the Assembly

"Honourable Members are aware that His Excellency the Governor General will address the Members of the Indian Legislature on Monday, the 16th September, 1935' at 11 o'clock in this Chamber In connection with the said address the Secretary of the Legislative Assembly has issued Circular No LXXII dated the 21st August, 1935, informing Members about the dress which is to be worn on the occasion He has also suggested therein that Honourable Members should arrive at the Chamber by a specified time Mr Sri Prakasa has given notice of a question asking under what authority such Circulars are issued by the Secretary and has also informed the Chair that there are several other Honourable Members who are also interested in this matter The question referred to is not admissible as it relates to a matter which is not primarily the concern of the Governor General in Council, but I think it desirable to make a statement in the House to clarify the position

Under sub-section (3) of section 63-B of the Government of India Act, the Governor General has the

Governor General—contd

right of addressing the Legislative Assembly and may for that purpose require the attendance of its Members In exercise of this right, the Governor General, by a written order fixes the place, date and time of the Address which is communicated to Honourable Members by the Secretary of the Legislative Assembly Under instructions from His Excellency, the Military Secretary informs the Secretary of the Assembly as to the dress which should be worn by Honourable Members on the occasion of the Address, and the Secretary of the Assembly communicates these instructions to Members through a circular The Secretary in such cases merely acts as a medium between the Governor General and the Members of the Assembly just as the Secretary of the Council of State does as far as the Council of State is concerned I may also point out that the Legislative Assembly Department is included in the portfolio of the Governor General

Honourable Members are aware that the traffic outside the Assembly Building is regulated by the Police who are under the administrative control of the Local Government With a view to avoiding congestion of traffic at the time of His Excellency's arrival at the Assembly Building on the day of the Address, the police always issue special instructions to close all avenues and approaches to the Building before 11 A M In order that the Honourable Members may not be put to any inconvenience on account of police instructions regarding the regulation of traffic outside, the Secretary in his Circular suggests to them that they should arrive at the Chamber by a particular time

I may inform Honourable Members that the procedure of issuing such a Circular to Members of the Legislative Assembly is not a new one, but has been followed since 1921 and no objection whatsoever has been taken before"—L A Deb , 13 September, 1935, p 986

'Governor General—contd

301 GOVERNOR GENERAL ADDRESS TO THE ASSEMBLY UNDER SECTION 63B(3) OF THE GOVERNMENT OF INDIA ACT WHETHER PART OF THE ASSEMBLY PROCEEDINGS OR NOT STANDING ORDER 75

A question was asked if speeches delivered by the Governor General to the Legislature were part of the Assembly Proceedings and if not why they were printed in the Assembly debates The President explaining the position said

"As regards this point I want to make the position quite clear At least one of my predecessors in office (Sir Frederick Whyte) was distinctly of the opinion that when the Governor General addresses the Members of the Assembly or of the Assembly and the Council of State together under section 63-B (3), that is not a meeting of the Assembly or a 'Joint Sitting' of the two Chambers, and that a meeting of the Assembly is only duly constituted when Mr President has taken the Chair This was laid down in connection with the question whether a new Member may attend without having taken the oath I am aware that the Presidents of some Provincial Legislative Councils have expressed a different view, but I am inclined to agree with Sir Frederick Whyte

The next question, therefore whether the President acting under Standing Order 75 can direct that the Address of the Governor General so delivered be included in the Proceedings of the Assembly must be answered in the negative At the same time it has been the uniform practice from the commencement of this Assembly to include the Address of the Governor General in the Proceedings of the Assembly and no question has hitherto been raised as to its propriety It is also obvious that a full and authentic report of the Address should be made available to the Members in a convenient form as soon as practicable, for its importance as bearing on the course of future legislation in the Assembly and the general policy

Governor General—contd

of the Government cannot be denied. And it might well have been thought that the President in order to enable the Members to discharge their duties properly could, in the exercise of his administrative powers as the Head of the Assembly Department, authorise the publication of such speeches as part of the proceedings of the Assembly. Having regard to these considerations I do not propose to alter the established practice in this connection unless the House clearly expresses a desire to that effect by appropriate motion"—L A Deb, 16 September, 1936, pp 1142-43

302 GOVERNOR GENERAL PRESENTATION OF ADDRESS TO CAN ONLY BE MADE AFTER MOTION IS MADE AND CARRIED IN THE ASSEMBLY RULE 24A GOVERNS ALL MOTIONS NOT OTHERWISE PROVIDED FOR

On the 17th November 1943, Mr Sami Vencatachelam Chetty raised a point of order on the President's refusal to permit him to make a motion under Standing Order 74, to send a communication to the Governor General. The President observed

"(Standing Order 74) only provides the machinery for communication once the motion is made and passed. It only says that communications from the Assembly to the Governor General shall be made by formal address *after motion made and carried in the Assembly*"

Mr Chetty further contended that Rule 24A did not govern his proposed motion. The President pointed out that Rule 24A governed all motions, not otherwise provided for and ruled

"The Honourable Member's contention is that Rule 24A does not apply to the motion which was sought to be made by him, but I do not know of any other rule which would allow such a motion to be made. This is a matter of general public interest—there is no doubt about that, and therefore I think it is clear that the Honourable Member must comply with Rule 24A and since the Government Member has

Governor General—contd.

refused his consent to this motion being moved, the motion could not be allowed"—L A Deb, 17 November, 1943, pp 440-41

HALF AN HOUR DISCUSSION

303 HALF AN HOUR DISCUSSION MEMBERS WISHING TO PARTICIPATE IN—SHOULD GIVE NOTICE QUESTIONS FOR CLARIFICATION CANNOT BE PUT DURING

During the half an hour debate on the 24th March 1950, while Shri Mohan Lal Saksena was replying to the debate, many hon Members wanted to participate in the discussion and rose in their seats whereupon the Speaker observed

"Hon Members who wish to participate in the discussion ought, under the Rules, to give notice. The rule is specific on that. This discussion is not intended to be analogous to a question being answered. I have received notices from two other hon Members, and I must give them a chance within the time at our disposal. Other hon Members will not be in a position to participate in the discussion but they may take advantage of the discussion and table motions for further discussion if they like."

Shri Deshbandhu Gupta then enquired if supplementaries could be put for clarification

The Speaker observed

I think I must rule that out steinly otherwise under the guise of clarification every Member will try to put in questions and take part in the discussion. The rule is very clear. If the House feels that any alteration in the Rules is necessary I am going to appoint a Rules Committee, where the rule may be changed and the scope of the discussion widened. The present provision is that it is open to those who take interest in the subject, to give notice and then participate in the discussion — Parliamentary Deb, Part II, 24 March, 1950, p 2110

LIST OF BUSINESS

.304 LIST OF BUSINESS NON-OFFICIAL DAY ADJOURNED DEBATE ON NON-OFFICIAL RESOLUTION NOT BALLOTED TO BE SET DOWN AFTER BALLOTED RESOLUTIONS

On the refusal of the Government to give a further official day for the continuance of the debate on the non-official Resolution regarding the Bengal Criminal Law Amendment Ordinance, the Chair was requested to set down the adjourned debate on the next non-official Resolution day, namely, the 5th February, 1925.

In connection with this request the President said

"It would be improper on my part in response to any request from the House to upset the established order of the ballot when the ballot has been held and the control of business for that day passes out of the hands of the Chair and the order on the List of Business for that day must be set down as it emerges from the ballot" The President, however, agreed to set down the adjourned debate on the Bengal Ordinance Resolution as the last item on the List of Business for the 5th February and pointed out that this adjourned debate could only be taken up if those Members who had drawn places in the ballot and were in charge of their Resolutions either absented themselves from the Chamber when their names were called or rose in their places and said that they withdrew the Resolutions Withdrawal of a Resolution in that way left the Honourable Member who had drawn the ballot for that Resolution perfectly free to put it in for another ballot"—L A Deb 28 January, 1925, pp 420—27 and 30 January, 1925, pp 481—84

.360 LIST OF BUSINESS NON-OFFICIAL BILLS DAY MOTIONS FOR INTRODUCTION OF BILLS NOT ALLOWED TO BE MOVED BEFORE OTHER ITEMS APPEARING IN THE AGENDA STANDING ORDER 7A(2)

On the 2nd August, 1934 a non-official Bills day a Member suggested that precedence might be given to certain items (introduction of Bills) which appeared after other items as

List of Business—contd

otherwise there was no possibility of their being reached during the Session

The President did not accept the suggestion and remarked 'As a matter of fact, the Honourable Member may remember that this request was once made on a previous occasion and it was not acceded to by the Chair. Of course, on an occasion previous to that, a request of a similar nature was acceded to by the Chair but on that occasion the Chair pointed out that if it was the desire of the House that motions for leave to introduce must take precedence the House might take steps to amend the Standing Orders accordingly. The House has not shown any interest at all to move in that direction and the Chair thinks in the light of all this it will not be justified in accepting such a procedure'—L A Deb 2 August, 1934 p 917

306 LIST OF BUSINESS NON-INCLUSION IN LIST OF BUSINESS OF MATTERS OF WHICH NOTICES WERE RECEIVED FROM MEMBERS OF A PARTY WHICH HAD OFFICIALLY WITHDRAWN FROM ASSEMBLY FOR REST OF SESSION

On the 30th October 1941 the President made the following announcement

'On the 28th October, the Leader of the Muslim League Party in the Legislative Assembly announced on behalf of his Party that the Party had decided to withdraw from the House during the present autumn session to register their protest against certain decisions in connection with the present composition of the Executive Council and the Constitution of the Defence Council, and after making his statement he along with his Party withdrew from the House. In view of this announcement, I have directed the office not to take any action on the questions, resolutions bills, adjournment motions or any other matter connected with the proceedings of the current session of the Assembly of which notices have been received or may be received from the members of the Muslim League Party during—'

List of Business—contd

this session No resolution of a member of that Party which has secured a place in the ballot or any pending Bill which is in charge of a member of that Party or any question by a member of that Party will be included in the List of Business during this session If, however, the Party as a whole or any individual member of it intimates to the Secretary in writing their or his intention to attend the session later on, this order will cease to have effect from that date so far as the Party as a whole or the individual member is concerned, as the case may be"—L A Deb 30 October, 1941, p 268

MEMBERS

307 MEMBERS SPEECHES WRITTEN READING OUT OR. PERMISSIBLE UNDER STANDING ORDER 27

Dr H S Gour moving on behalf of another Member a Resolution regarding establishment of a Supreme Court in India proceeded to read out from a written speech when a Member objected and asked if "speak" included the reading of a written speech under Standing Order 27

The President ruled "The word 'speak' in the Standing Order must be held to cover all forms of utterance"—L A Deb 17 February, 1925 pp 1163-52.

308 MEMBERS NOMINATED RESOLUTION FOR A COLLECTIVE AMENDMENT WITH A VIEW TO CONFINE MEMBERSHIP TO ELECTED MEMBERS ONLY DISALLOWED.

Members—contd

would be that the House would be asked to recommend to the Governor General in Council that only elected Members should be appointed to the committee which is sought by this Resolution. There have been rulings on the point as this matter has been considered more than once before and the ruling has been both by my predecessor in office and by myself that the House should not be asked to make any recommendation by which a distinction is made between the elected and non-elected Members of the House depriving the non-elected Members of the privileges which they otherwise are entitled to under the constitution. Mr Satyamurti with his usual vigour has urged upon me to reconsider the previous rulings and he has cited a statutory rule which has been framed regarding the Public Accounts Committee by which only non-official Members of the House are to be elected to that committee. But that is entirely by the order of Government and it is not by any Resolution of this House. I must follow the rulings in this respect and disallow the amendment of Mr Satyamurti.—L A Deb 2 September 1938, pp 1535-37

309 MEMBERS PERFORMANCE OF DUTY MEMBERS ENTERING CHAMBER OBSTRUCTED IN LOBBY WARNING BY CHAIR

After question time on the 23rd February 1932--

The President made the following observations on certain representations that had been made to him regarding obstruction of Members entering the Chamber. The Chair wishes to inform the Honourable House that the Leader of the Opposition Sir Hari Singh Gour complained to the Chair that on two occasions when the afternoon sittings of the Assembly had to be adjourned for want of a quorum, organised efforts were made by some Members in the Lobby thereby preventing other Members from entering the House.

The Chair considered that this is a serious complaint to make of interference with the normal business of

Members—contd

the House and called upon Sir Hari Singh Gour to furnish proofs in support of his allegation. Sir Hari Singh Gour furnished the names of some Honourable Members who would support the allegations made. The Chair addressed letters to those Members and has received their replies. I now recollect were also made in other directions, with the result that the Chair is satisfied that there was interference and obstruction in the Lobby on the two occasions with the object of preventing Honourable Members from entering the House.

Members—contd.

of two large parties from the Assembly for the session, the President would allow those seats to be occupied by other members The President observed

"I shall consider this matter So far as the Congress Members are concerned they have not given any formal notice, so far as I am aware, that they will not attend the sittings of the Assembly this session But certainly the Leader of the Muslim League Party gave us yesterday a formal notice that the Muslim League Party will not attend So far as their seats are concerned, I shall consider what I can do "

The seats were subsequently rearranged and some of the seats of the Muslim League Party were allotted to the Members of the next largest group and other groups were also shifted—L A Deb , 29 October, 1941, pp 209-210

311 MEMBER CONDOLENCE ON DEATH OF A SITTING MEMBER IN THE CHAMBER ASSEMBLY ADJOURNED ON THE FOLLOWING DAY

On the death of Mr K S Gupta, a sitting Member, in the Assembly Chamber itself, on the 5th March, 1945, the Assembly was adjourned till the 6th March, when after condolence speeches had been made by the Leader of the House and the leaders of parties, the President observed

"An incident like this very seldom happens and it has naturally cast a shadow over the Assembly Chamber I understand that under the circumstances it is the desire of Honourable Members of the Assembly that no business shall be transacted to-day, and I therefore adjourn the House till tomorrow" (The Assembly was then adjourned till the 7th March 1945)—L A Deb 6 March, 1945, p 1059

312 MEMBERS ASKED TO LEAVE CHAMBER FOR OBSTRUCTION, CANNOT RE-ENTER CHAMBER FOR THE DAY

On the 3rd November, 1944, a member who had been asked by the President to leave the House in the morning, as he had been obstructing the proceedings of the Assem-

Members—contd

Iy, took his seat in the House in the afternoon, when the Chairman's attention was drawn to the matter he remarked

"My attention has been drawn to an incident which happened earlier when the President was presiding I have the unpleasant duty of drawing the attention of Mr Kailash Bihari Lall to Rule 17(2) Under that Rule I am afraid the Honourable Member cannot sit in the Chamber till the close of the day I am afraid I have no option but to ask the Honourable Member to leave the Chamber'

(The member then left the Chamber)—L A Deb, 3 November, 1944 pp 234-35

313 MEMBER TABLING AN AMENDMENT ABSENT WHEN CALLED BY CHAIR LOSES HIS RIGHT TO MOVE LATER ON

A Member who gave notice of an amendment to refer the Bill to the Select Committee was absent when the Deputy President called his name but he subsequently turned up and sought to move his amendment the Deputy President observed that the Member could not be permitted to do so as he was not in his seat when his name was called but that he could speak on the Motion—L A Deb 4 April 1946 p 3561

314 MEMBERS SEATING OF MEMBERS SHOULD STICK TO THEIR OWN SEATS

On the 21st March 1950 during Question Hour when Shri Joachim Alva rose to put a supplementary question, the Speaker did not allow him and observed

"I find the Hon Member has changed his seat I do not propose to call upon Members who change their seats Hon Members should stick to their own seats '

The Speaker added

'I do recognize that in the present set-up it is not possible to allot each Member a particular seat but I do expect Members at least to sit in the block in which they have been sitting"—Parliamentary Deb Part I 21 March 1950 pp 955-56

Members—contd

315 MEMBERS DISQUALIFICATION OF MEMBERSHIP DUE TO ABSENCE

On the 19th April, 1950, Shri Syamnandan Sahaya sought an interpretation of art 101(4) of the Constitution which disqualifies a member who is absent without permission for a period of sixty days. The member enquired as to the period during which the absence was to be computed, whether it was a session or the entire life of a Parliament in other words, if a member was absent for thirty days in a session, twenty days in the next and thirty days in the third, whether that was to be treated as an absence of sixty days.

The Speaker after consulting the Law Minister stated that the absence should be a continuous absence to disqualify him—Parliamentary Deb, Part II, 19 April, 1950. p 3023

MOTIONS

316 MOTIONS CAN BE MADE ONLY BY MEMBERS OF THE ASSEMBLY

Sir Muhammad Shafi the Law Member, moved an amendment to a Bill under discussion in the Assembly and a point of order being raised that he could not do so as he was not a Member of the Assembly,—

The President upheld the objection—L A Deb 22 March, 1923, pp 3894-96

317 MOTIONS DILATORY DISCRETION OF CHAIR IN ACCEPTING

After the motion had been moved for the demand under Customs, Dr H S Gour moved the adjournment of the debate for three days to enable the Assembly to receive the promised despatch from the Secretary of State on a question raised that morning regarding the Cabinet Committee to consider Indian affairs

The President ruled “The motion being one of dilatory character it is for the Chair to accept it or not As the Honourable Member will have an opportunity of discussing the policy of the Government of

Motions—contd

India on the motion that the Finance Bill be now considered I think I had better suggest to him not to move the motion to-day Refusal to allow the motion to-day does not mean that the opportunity for considering that matter will not arise, and therefore I do not propose to accept the Honourable Member's motion.—L. A. Deb 10 March 1924, p 1377

Motions—contd

these amendments to rise in their places and move them immediately after the motion was made —
L A Deb 22 February, 1943 p 481

320 MOTION ADMISSION BY SPEAKER AT ANY STAGE

On the 1st March, 1950 during the discussion on the point of privilege raised by Shri Kamath as there was no formal motion for discussion the Speaker allowed Shri Goenka to move the following motion

"That in view of the statements made by the hon the Prime Minister and the hon the Deputy Prime Minister on the point of privilege raised by Shri H V Kamath in the House today, the matter be dropped"

Upon this Shri Kamath raised a point of order in the following terms

My hon friend Mr Goenka has brought this motion before the House suggesting that the matter raised by me this morning on the point of privilege might be dropped. You Sir, were good enough to observe just now that I had not moved any motion but had only raised a point of privilege

Now, the first question that arises in this connection with regard to the motion of Mr Goenka is how far a formal motion made in connection with a matter raised on a point of privilege can be sustained under the rules made by you? That is the first aspect of the matter. The second aspect of the point of order is this. The matter that I raised this morning is a basic point which goes to the fundamentals of this Parliament—it touches the privileges of Members of this House. The point that arises in this connection is, whether a matter raised in this manner on a point of privilege can be decided—I do not of course mean to say that it cannot be considered—by a majority vote of the House. I may cite an instance in point. You were good enough to tell the House some time ago that one of the

Motions—contd

privileges of the House, that is to say, the one hour allotted for questions, could be dropped only by a unanimous vote of the House. Even if one member objects to that, it could not be dropped. This, Sir, is a much higher and much more important matter, I believe, which goes to the root of M P's privileges. I would, therefore, like to know beforehand whether you would allow this matter to be dropped by a majority vote of the House, or by a unanimous vote of the House.

The Speaker ruled

Shri Goenka's motion refers to the dropping of the matter. As I find it, it does not interfere with the right of the Chair to appoint a Committee of Privileges if the Chair is inclined to do so. Whatever may be the decision of the House on this particular matter I may at once make it clear that I have an idea of appointing a Committee of Privileges. This particular motion refers to the question which has arisen now as to whether this incident constitutes a breach of privilege or not. The Committee of Privileges, when constituted will necessarily take up such matters as are referred to it and not any and every matter that is sought to be raised in regard to privileges. The effect of the present motion of Mr Goenka is that this particular question, the incident need not be referred to the Committee, in view of what has passed in the House and in view of the statements made by the hon. the Leader of the House and the hon. the Deputy Prime Minister.

I do not see why such a motion could not be moved. It arises out of discussions and statements in the House and any matter of importance can be the subject of a motion and can be permitted by me to be taken up in the House. That is one part so far as the admissibility of the motion is concerned.

The hon. Member Mr Kamath referred to the analogy of the question hour being dropped. I believe in

Motions—contd

vacant

the former part of what I have said I have made it amply clear that the dropping of this matter or particular incident does not involve any interference either with the right of the Chair or the right of the House—right of the Chair to constitute a Committee and the right of the House or any Member to any question of Privilege In the matter of question hour a unanimity is insisted for the simple reason that when questions are asked, every member who has put questions has a right to say that his question shall be put and answered Unless therefore, there is unanimity among Members who have put in questions, it becomes difficult to accept the desire of even a substantial majority of the House because that would result in the loss of the individual Member's right to put his questions apart from the right of putting supplementaries Therefore, to my mind, these two matters are not on the same level and there is a clear distinction between the two That is as regards the analogy which he has given I do not think, therefore that this motion can be held by me to be not in order or one which cannot be brought before the House The hon Member Mr Tyagi referred to instances Yes, there are instances of that type I have before me the sample of a motion

"Moved to resolve that this House having heard the personal statement made by the Lord Strabolgi at its sitting on Wednesday, February 12 1941, is of the opinion that it is not necessary to inquire further into the matters dealt with in his statement
"

I will proceed to read

" but regrets that, having regard to the facts as presented in his own statement, he should have failed to observe that standard of conduct in matters of this nature which the House expects of its Members"—Parliamentary Deb., Part II, 1 March, 1950, pp. 1036-38

NOTICES

321 NOTICES OF AMENDMENTS, ETC SHOULD BE GIVEN IN PROPER FORM AND NOT ON SLIPS OF PAPERS

On the 9th April, 1934, the President drew attention to the practice of some Members in sending in notices of amendments on small slips of papers and asked Honourable Members to give notice of their amendments and other notices in a proper manner—L A Deb, 9 April, 1934, p- 3423

322 NOTICES MOTIONS NOTICE OF MOTIONS SHOULD BE PROPERLY COMPLETED AND GIVEN IN TIME

After Prof N G Ranga had moved his motion to refer the Indian Lac Cess (Amendment) Bill to a Select Committee, the President remarked that the names and date had not been properly filled in in the notice of motion and that “the Chair will not in future accept anything written out like this (in pencil) and unless the motion is completed, the Chair will not put it to the House”—L A Deb, 21 April, 1936, pp 4378-79

OATH

323 OATH MEMBER UNWELL ALLOWED TO TAKE THE OATH FROM HIS SEAT

On the 6th March, 1940, the President, being informed that a Member Mr Shrivastava who wished to take the oath, was unwell and unable to move from his seat, allowed him to take the oath from his seat in the presence of the Secretary—L A Deb, 6 March, 1940, p 979

324 OATH PUTTING OF QUESTIONS OR PERFORMANCE OF ANY OTHER FUNCTION IN THE HOUSE BY MEMBERS BEFORE TAKING OATH NOT PERMISSIBLE

A Member desiring to put questions on behalf of another Member who had not yet been sworn in,—

The President ruled “A Member who has not taken the oath of office cannot discharge his functions on the floor of this House Honourable Members are aware that, as a matter of convenience, I have consented to receive notices of questions and resolutions before the oath was taken merely in order that

Oath—contd

the stage of admission might be gone through before business opened here. But when it comes to the asking of questions or the performance of any other function on the floor of this House, that cannot be done until the oath is taken.—L A Deb, 1 February, 1924, p 32

325 OATH MEMBERS NOT SWORN IN CANNOT SIT ON SELECT COMMITTEES

On a motion to add to a Select Committee the name of a certain Member who had not been sworn in, the point was raised whether such a Member could be proposed for or could sit on any Committee,—

Whereupon the President ruled that his name could be proposed to the Committee but that he could not sit on it until he had taken oath.—L A Deb, 20 January 1930, p 87

POINTS OF ORDER

326 POINT OF ORDER MEMBER SPEAKING MUST GIVE WAY WHEN—IS RAISED

When Maulvi Muhammad Yakub was speaking, a point of order was raised when the speaker said he was not going to give away

The President pointed out ‘On a point of order the Honourable Member has to give way’—L A Deb, 25 March, 1931, p 2653

327 POINT OF ORDER EXPLANATION NOT POINT OF ORDER

On a Member rising to a point of order and then going into an explanation of the subject under discussion,—

The President ruled “The Honourable Member wished to put a point of order. He is not entitled to explain his position under the guise of rising to a point of order”—L A Deb 20 January 1922, p 1807

Points of Order—contd.

328 POINT OF ORDER RIGHT OF MEMBER OF EXECUTIVE COUNCIL TO RAISE POINT OF ORDER WHEN NOT A MEMBER OF THE ASSEMBLY RULE 15(2)

During the discussion on the Merchant Shipping (Amendment) Bill on the 8th April, 1933 Sir Fazl-i-Husain, a Member of the Executive Council who was not a Member of the Assembly raised a point of order, whereupon a Member asked if it was competent for a Member who was not a Member of the Assembly to raise a point of order.

The President promised to consider the question and, on the 16th September 1933, ruled as follows —

Under section 63E (4) of the Government of India Act every Member of the Executive Council "who is not a Member of the Assembly has the right of attending in and addressing the Assembly. This provision must be construed as conferring on such Executive Council Member the right to take part in any debate in the Assembly. Therefore it follows that when so speaking such a Member is subject to all the restrictions and limitations imposed on Members of the Assembly by the rules and Standing Orders. Under rule 15 (2) any Member

Points of Order—contd

329 POINT OF ORDER MISCELLANEOUS PLACING OF HAT ON DESK IN THE HOUSE

A point of order was raised whether a Member could place his hat on the desk in the House

The Speaker ruled that it was not in order—Parliamentary Deb, Part II, 6 February, 1950, p 227

330 POINT OF ORDER MISCELLANEOUS READING OF NEWSPAPER INSIDE THE HOUSE

A point of order was raised whether any hon Member or Minister could read newspapers inside the House

The Speaker ruled that no Member—Minister or an ordinary Member could read newspapers inside the House A Minister had no higher rights than an ordinary Member—Parliamentary Deb, Part I, 9 February, 1950, p 163

PRESIDENT OF LEGISLATIVE ASSEMBLY

331 PRESIDENT SOLE AUTHORITY FOR MAINTAINING ORDER AND INTERPRETING RULES AND STANDING ORDERS

While making his submission regarding admissibility of an adjournment motion a Member quoted from May's Parliamentary Practice and pointed out that in doubtful cases the Speaker referred the matter to the judgment of the House

The President thereupon ruled "The Honourable Member does not seem to be aware that in the House of Commons the maintenance of order rests on the close association between the House and the Chair and that the House has certain duties and the Chair has certain duties Under our Rules and Standing Orders the entire responsibility of maintaining order and interpreting rules and standing orders rests with the Chair"—L A Deb 13 March, 1924, pp 1625-26

332 PRESIDENT SOLE JUDGE OF TIME TAKEN BY SPEAKERS

As Mr Hands was speaking on the Resolution *re* the release of political prisoners detained without trial a Member interrupted on the ground that the speaker had exceeded his time limit, whereupon the President pointed out

President of Legislative Assembly—contd

"The Chair is the sole judge of time. The Honourable Member has nothing to do with it"—L A Deb, 7 April 1936 p 3630

333 PRESIDENT RIGHT TO WITHDRAW MOTION FROM CONSIDERATION OF HOUSE WHEN IT IS FOUND DURING DISCUSSION TO BE OUT OF ORDER

During the debate on clauses of the Reserve Bank Bill, Mr S C Mitra moved an amendment which he eventually asked leave to withdraw. Objection having been taken to the request —

President of Legislative Assembly—contd.

After the discussion on the amendment concluded,—

The President withdrawing the amendment from the consideration of the House said “As it has appeared in the course of the discussion, that the amendment in its present form would lead to anomalous results and would in any case be ineffective in many parts and for that reason is not in order, the Chair draws the attention of the House to this fact and withdraws the amendment from further consideration”—L A Deb , 2 December, 1933, pp 2506-08 and p 2538

334 PRESIDENT REFLECTION ON NOT IN ORDER

During the debate on the Trade Disputes Bill Sir Hari Singh Gour remarked that he had not got any protection from the Chair

The President thereupon asked him to withdraw the remark unconditionally and Sir Hari Singh Gour after a while did so—L A Deb 5 April 1929, pp 2892-93

335 PRESIDENT ALLEGATIONS OF PARTIALITY AGAINST CHAIR BY A MEMBER ATTENTION OF PRESIDENT DRAWN SUBSEQUENTLY OFFENDING REMARKS EXPUNGED FROM PROCEEDINGS ON A MOTION PROPOSED BY LEADER OF THE HOUSE

On the President's attention being drawn to certain remarks made by a Member on the 19th March, 1931, alleging partiality on the part of the Chair in regulating proceedings in the House, the President referred to the matter in the House on the 23rd March

The motion that the offending words be expunged from the proceedings of the Assembly was proposed by the Leader of the House and adopted unanimously

The offending Member refused to offer a proper apology in the first instance, but on the 25th March, he made an unconditional apology—L A Deb , 19 March, 1931, p 2312, and 23 March, 1931, pp 2525-35 and 25 March, 1931, p 2666

President of Legislative Assembly—contd.

336 PRESIDENT RULINGS MOTION THAT THE SPEAKER DO NOW LEAVE THE CHAIR IN ORDER TO DISCUSS RULING OUT OF ORDER RULE 15(1)

After the motion for circulation of the Steel Industry (Protection) Bill had been negatived, Mr Devaki Prasad Sinha wished to know if he would be in order in proposing a motion "that the Speaker do now leave the Chair", in order to discuss a ruling of the Chair given that morning

The President pointed out "You will not be in order in moving the motion that you want to move that the President do leave the Chair. We have no such procedure at all. Here the decision of all points of order is entirely and finally vested in the Chair and the House cannot discuss the ruling of the Chair"—
L A Deb, 2 June, 1924, p 2470

337 PRESIDENT RULINGS CRITICISM OF PRESIDENT'S RULINGS BY MEMBERS OUTSIDE THE ASSEMBLY

On the 8th September, 1938, the Leader of the House said he proposed to make a statement regarding a statement in the press from the Leader of the Opposition and the Leader of the Nationalist Party referring to a ruling given by the President and on the 12th September made the following statement

"Sir, on the 8th September (L A Deb, 8 September, 1938, pp 1866-67) I brought to your notice and the notice of the House a statement which appeared in the papers of that morning issued by the Honourable the Leader of the Opposition and the Honourable the Leader of the Nationalist Party. That statement concerned the opinion delivered by you on the 5th September last. Since then I have had the opportunity of discussing the matter with the Leaders and representatives of the various Parties in the House, including the two Leaders who issued the statement. I am now in a position to inform you and the Members of the House that we are all agreed that it should not be open to any Member of the House to criticise directly or indirectly outside the House any ruling given, opinion expressed

President of Legislative Assembly—contd.

or statement made by the President in the discharge of his duties If, however, any Member desires to make a statement regarding any expression of opinion or statement made by the President, he shall be entitled to do so in the House by permission of the President That being so, I would submit that the matter need not be pursued further”

Whereupon the President observed “I am prepared to accept the agreement that has been arrived at among the Leaders of the Parties as a solution of the situation that has arisen, as that agreement is in harmony with the traditions and practice of the House As regards the second part of the agreement I would add that the Chair will ordinarily permit any Member who wishes to make any such statement with reference to what had been said by the President by way of expression of opinion or in the form of a statement, provided the Member does not wish to criticise any such statement by the President, but only seeks to elucidate any point or requests the Chair to reconsider the matter If that is borne in mind, I am sure that the Chair will ordinarily permit any such statement to be made, provided of course that it does not unduly interfere with the proceedings of the House The Leader of the House suggested that the matter need not be pursued further and if the House is agreeable to that course, I will drop the matter Is that the wish of the House? (Cries of “Yes” from all sides of the House) Very well, the matter need not be pursued further”—L A Deb, 12 September, 1938, p 2035

338 PRESIDENT CASTING VOTE

On the division on clause 6 of the Cantonments (House Accommodation) Bill, an equal number of votes (39) being cast in favour of and against the clause—

The President said “As this is a new provision, I cannot vote for it I must therefore vote against it”—L A Deb, 20 February, 1930, p 843

President of Legislative Assembly—contd

339 PRESIDENT CASTING VOTE

During the discussion on the clauses of the Motor Vehicles Bill, a division on a motion to omit a clause resulted in a tie and the President gave his casting vote in favour of the motion Mr Satyamurti pointed out that according to the practice of the House of Commons the casting vote was usually given in favour of the *status quo*—that is, in favour of the retention of the clause and wanted to know the principle behind the ruling as a guide to the future, whereupon the President remarked

"I have taken that principle into consideration I took into consideration not only the clause and the amendment proposed,—but the existing law as embodied in the Criminal Procedure Code which was sought to be modified

I must say on the point of order raised by Mr Satyamurti that the *status quo ante* is a good rule in ordinary cases, but it is not an invariable rule"—
L A Deb , 16 September, 1938, pp 2567-68

340 PRESIDENT CASTING VOTE SHOULD NOT BE DISCUSSED

During the discussion on the General Budget, a Member proceeded to refer to the casting vote of the President on Mr B Das's Criminal Law Amendment Bill, whereupon the President told him not to discuss it—L A Deb , 12 March, 1936, p 2408

341 PRESIDENT REFLECTION ON IMPARTIALITY OF MEMBER NAMED

On the 20th March, 1941, when the Finance Bill was being discussed, the President read out a letter from a member, Maulvi Abdul Rasheed Chaudhury, stating that he had not been called on to speak though he got up many times and alleging that the Chair had not been impartial, and asked whether the member was prepared to apologise to the Chair The Member said "I find the Chair has taken it too seriously and I withdraw it" The President said it must be an unconditional withdrawal with ample apology to the Chair The member not being prepared to offer the kind of apology that was demanded, the Chair

President of Legislative Assembly—contd

directed the offending member to withdraw from the House for the rest of the day —L A Deb , 20 March, 1941, pp 1679-80

342 PRESIDENT PROCEDURE *re* ELECTION OF WHEN BALLOT CLOSES

On 24th January, 1946, before the distribution of ballot papers for the election of President, some Honourable Members raised points of order enquiring whether any time limit had been fixed for closing the election, as in the absence thereof the election might go on indefinitely and those who were not present in the House might turn up later on in the day and demand voting papers. They felt that even after taking the ballot papers, it was possible that a Member might take the rest of the day to make up his mind whether to cast his vote or not, and hence they enquired whether the Chair was going to lay down that if an Honourable Member did not happen to be in his seat when his name was called, he would forfeit his right to take part in the ballot and also whether the Chair was going to enforce that a Member should cast his vote and hand in the paper immediately he received the ballot paper.

The Chairman observed

"If there is a certain business before the House and due notice has been given, it is the duty of Honourable Members to be present at the time. If an Honourable Member does not come when he has to put a question, he misses his opportunity of asking the question or if it is a Resolution and the Honourable Member who has given notice of it is not present he loses his opportunity. Exactly the same procedure will now be adopted. Honourable Members may come up when they are called and if an Honourable Member is not present in the House when his name is called, I very much regret that he will lose his opportunity of casting his vote unless of course he comes in before the ballot box is closed."

The Chairman further pointed out that after receiving the ballot papers, Honourable Members should make up their mind without loss of much time which way they would

President of Legislative Assembly—concl

record their vote, and that the ballot would be closed when the last of the names had been called out—L A Deb, 24 January, 1946, pp 160-61

PRESIDENT OF INDIA

343 PRESIDENT'S POWERS OF ADAPTATION UNDER ARTICLE 392 OF THE CONSTITUTION NOT RESTRICTED ONLY TO THE GOVERNMENT OF INDIA ACT, 1935

On the 12th August, 1950, while discussing the Resolution authorizing the Provisional Parliament to make laws with respect to items 26 and 27 of List II of the Seventh Schedule to the Constitution for a period of one year from 15th August 1950 (in pursuance of article 249 of the Constitution as adapted by the President under article 392 thereof) Shri Venkataraman contended that the President had powers to lay before the House "such adaptations only for the purpose of adapting the provisions of this Constitution and not in any other case" He drew attention to the following words in Article 392 "The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct etc"

The Law Minister expressed the view that the word "particularly" in Article 392 did not mean that the President had not the general power and that the opening words of the above Article were quite general viz "The President may, for the purpose of removing any difficulties" On a further clarification sought by the Speaker the Law Minister stated that the Independence Act was an amendment of the Government of India Act, 1935

Then the Speaker ruled

"Instead of going into the interpretation, what I think is that if we were functioning as the Constituent Assembly of India (Legislative) under the Government of India Act, and if the same status is now being continued, then practically we are in a stage of transition And so long as the Council of States is not constituted that transition will continue.

President of India—contd

Therefore, any adaptation which the President makes will be an adaptation, even "particularly", in relation to the transition from the provisions of the Government of India Act to the provisions of the Constitution.

"I am told that we are functioning under Article 379. Whatever Article we are functioning under, my point is that so long as both Houses of Legislature are not constituted under the Constitution, the process of transition is in continuation and the President has got ample powers to remove all difficulties even if we interpret the word "particularly" and the whole article in a restricted manner. So I do not think that point really survives and we need not, therefore, consider it any further —Parliamentary Deb., Part II, 12 August 1950 Cols 935-38

PRIVILEGE

344 PRIVILEGE OF THE HOUSE NEWSPAPER COMMENT INSINUATING THAT CHAIR WAS PARTIAL SUCH PUBLICATION CONSTITUTES BREACH OF

After question time on the 15th February, 1926 Sir Alexander Muddiman made a statement regarding a misunderstanding with regard to the progress of a Bill and dissociated himself from certain observations made outside

The President of the Legislative Assembly welcoming the statement said The Chair welcomes the statement just made by the Honourable the Home Member on behalf of the Government. It gives the Chair an opportunity to express its view on this newspaper report which has evoked the statement from the Home Member. The attention of the Chair has been drawn to the writing under the heading 'From our special correspondent' appearing in a certain newspaper. There is no doubt that the statement contains an insinuation of partiality directed against the Chair and the publication of such an insinuation constitutes, in the opinion of the Chair, a grave breach of the privileges of this House, deserving of

Privilege—contd

the severest condemnation The Chair, however, is not prepared to take a serious view of the matter at present and hopes that the statement made by the Home Member will have the desired effect on the newspaper concerned and it will express its unqualified regret for the publication of the report in question forthwith If the matter is again mentioned by any Member of this House at a later date complaining that the newspaper in question is unpenitent, the Chair will pass such orders against it as are permissible The Press must know that no suggestion of partiality, however remote, directed against the Chair will be tolerated At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases without casting or suggesting any reflection on its partiality The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed"—L A Deb, 15 February, 1926, p 1195

345 PRIVILEGE NO BREACH OF—IN COMMUNICATION OF CONTENTS OF BILL TO PRESS BY GOVERNMENT IN ADVANCE OF INTRODUCTION

On the 2nd September, 1935, after the motion to grant leave to introduce the Criminal Law (Amendment) Bill had been made, Mr Satyamurti called attention to a statement in the *Statesman* of that date wherein the provisions of the Bill were reproduced exactly as they appeared in the Bill and pointed out that it was an abuse of the privilege of the House if the contents of the Bill had been communicated to certain favoured papers and cited the analogy of questions and resolutions which could not be sent to the Press before admission by the President Sir Henry Craik contended that no question of privilege was involved and that Government in preparing the ground in the Press were adopting a legitimate practice The President agreeing remarked

"The Chair holds that there is no breach of privilege in this case, and as the matter is absolutely clear, it

Privilege—contd

is not necessary for the Chair to go any further into it"—L A Deb , 2 September 1935, pp 144-47

346 PRIVILEGE BREACH OF GIVING PRESS FOR PUBLICATION QUESTIONS AND RESOLUTIONS BEFORE ADMISSION

After giving his ruling on a motion for adjournment—

The President remarked that while notice of the motion had been handed in at the Notice Office that morning, it had appeared in the press the day before and observed "It is a well established convention of the House of Commons that a Member who gives to the Press for publication questions or resolutions before they are admitted by the Chair commits a serious breach of the privileges of the House. The House of Commons and its spokesman, the Speaker of the House, have got ample powers to deal with Members who do not observe that convention, but unfortunately neither this House nor its spokesman have such powers. In the absence of such powers, the Chair can only appeal to Honourable Members that this well established convention which is observed in the House of Commons should also be observed as one of the conventions of this House"—L A Deb , 27 March, 1933, p 2655

347 PRIVILEGE MOTION TO DISCUSS HOW FAR PUBLICATION OF A MEMBER'S SPEECH IN THE PRESS IS PRIVILEGED RULED OUT OF ORDER PROCEDURE FOR DEALING WITH MATTERS OF PRIVILEGE SCOPE OF RULE 24A NATURE AND EXTENT OF FREEDOM OF SPEECH UNDER SECTION 67 (7) OF THE OLD GOVERNMENT OF INDIA ACT, AND SECTION 28 OF THE 1935 ACT ADJOURNMENT MOTION RAISING A QUESTION OF PRIVILEGE ONLY NOT IN ORDER

On the 10th February, 1936, Sardar Sant Singh sought to move a motion to discuss the question of privilege of the freedom of speech and its publication in the Press enjoyed by the Members of the Assembly

The President allowed full discussion on the various points of order raised, and announced that he would give his ruling later during the Session.

Privilege—contd

On the 27th February, the President delivered the following ruling, disallowing the motion

"The Governor in Council of the United Provinces passed an order dated the 10th January, 1936, under sub-section (3) of section 7 of the Indian Press (Emergency Powers) Act of 1931 (Act No XXIII of 1931), requiring the publisher of the *Abhyudaya* of Allahabad to deposit security, because that paper had published an article headed "*Assembly men Pandit Krishna Kant ji ki Baktrita*" (Speech of Pandit Krishna Kant in the Assembly) containing words of the nature described in sub-section (1) (b), section 4 of the above Act, viz., 'directly or indirectly expressing approval or admiration of any such offence (*i.e.*, the offence of murder or any cognisable offence involving violence) or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence' Sardar Sant Singh, thereupon, gave notice of a motion for adjournment of the business of the Assembly on the 3rd February, 1936, to discuss this order of the United Provinces Government as being a definite matter of urgent public importance That motion was disallowed by the Governor General under Rule 22 (2) on the ground that it related to a matter which was not primarily the concern of the Governor General in Council On the 5th February, he gave another notice of a similar motion for adjournment, this time in order to raise the question of 'the encroachment of the privilege of the members of the Legislature to publish their speeches in verbatim', *i.e.*, in newspapers On objection being taken on point of order by the Leader of the House, I disallowed the motion, firstly on the ground that a question of privilege cannot be discussed on a motion for adjournment and, secondly, that the notice of the motion ought to have been given at the earliest possible opportunity

The same Honourable Member next sought to move the motion under consideration on the 10th February, the motion being that the Assembly do

Privilege—contd

proceed to discuss the question of the privilege of freedom of speech and its publication in the press enjoyed by the Members of the Assembly, adding that such motion has precedence over all other work in the House. As the question raised regarding privilege of the Assembly and its Members and the appropriate procedure in such matters are of considerable importance, I allowed the points of order raised (including the question whether a motion of adjournment is the proper procedure) to be discussed at some length.

I shall take up the question relating to procedure first

- (1) A motion for adjournment under Rule 11 is not the proper procedure for raising a question of privilege pure and simple. This was also the view of President Patel (*vide L A Deb*, 4 September, 1928, pp 149-54). Ordinarily the object of a motion for adjourning the business of the Assembly is to discuss and criticise the conduct or attitude of the Government in a definite matter of urgent public importance, while in a case, where the question of privilege is raised as the main issue (as in the second motion of Sardar Sant Singh and in the case which Mr Patel had to deal with) the Assembly would be asked to take such suitable action as is within its competence in order to protect the members from interference and molestation in the discharge of their duties or to uphold the dignity of the legislature. But, if the question of privilege raised is a definite matter of urgent public importance, which is also primarily the concern of the Governor General in Council, and the main object of the motion is to discuss and criticise the conduct of the Government in the matter, it can be dealt with by a motion for adjournment, subject of course to the restrictions and limitation laid down by the rules and standing orders in that connection. (See the cases of Mr S C Mitra and of Mr S C Bose, *L A Deb*, 21 January, 1927, and 22 January, 1935, pp 18-40 and 77-98 respectively)

Privilege—contd

- (2) A Resolution under Standing Order 59 and Rule 23 is clearly not an appropriate procedure for discussing a matter of breach of privilege, when the question is sought to be raised by a non-official Member, for resolutions by non-official Members have to be balloted for and there is no knowing what place a particular resolution may secure. Nor can such a resolution be moved except on a non-official day, while, as pointed out by the Law Member himself, the question of privilege must be raised as soon as possible. But if the Government wish to bring up a matter of privilege by a resolution, there need be no such difficulty in their case on the score of delay. Further, by rule 23, every resolution must be in the form of a specific recommendation to the Governor General in Council. While there may be cases in which such a recommendation may meet the exigencies of the situation, in others, the appropriate remedy may lie in the hands of the Legislature itself.
- (3) Rule 24A. This rule permits discussion of any matter of 'general public interest' otherwise than by a resolution, provided consent is obtained to a motion for such purpose of the President and the Member of the Government to whose department the motion relates. In the present case and cases of like character, namely, those that are matters of general public interest, I take it, as stated by the Law Member, in answer to a question asked by Sir Muhammad Yakub, that the Home Member would deal with the motion. But it is conceivable that a motion raising the question of privilege may be such that it may not relate to any department of the Government. As for the misgiving which seemed to trouble the minds of some Members, I cannot, in interpreting Rule 24A, proceed upon the assumption that either the President or the Home Member is likely to withhold his consent in a proper case. I therefore hold that a question of privilege of the nature involved in this notice can be discussed on a motion moved under the provisions of Rule 24A.

Privilege—contd

Sardar Sant Singh, however, has brought the motion under consideration without conforming to the requirements of that rule, though the question sought to be discussed is a matter of general public interest

- (4) Sardar Sant Singh has based this motion on the practice and precedents of British Parliament. No doubt we often have recourse to Parliamentary practice for guidance, whenever our own rules and standing orders are silent. But Rule 24A explicitly bars such a motion as this, as it is neither a resolution under Standing Order 59 nor does it conform to the requirements of Rule 24A. I must, however, observe that this rule may not bar a question of privilege being discussed on a motion brought otherwise than in conformity with the provisions of Rule 24A or by a resolution, if the subject matter of the motion cannot be said to be a matter of 'general public interest', or if it cannot be said to relate to the department of any Member of the Government.
- (5) Another difficulty has been suggested by the Honourable the Law Member, *viz.*, that motion by a non-official Member, even though with a view to discuss a question of privilege can only be dealt with on a non-official day. But a question of privilege affects every section of the Assembly and once it is brought to the notice of the House by any Member, whether official or non-official, it becomes the business of the entire House and, as is the practice in Parliament, it must be given precedence over all other business, supposing it is of the last mentioned category. In any event, since questions of privilege are undoubtedly of considerable importance to the Assembly and are of an urgent nature as stressed by the Leader of the House, and no provision is made for business of this class in the Rules and Standing Orders, it may well be expected of Government to find time for this purpose.
- (6) Whether a motion of this character is brought under Rule 24A or, in a proper case, is brought in accordance with the practice of Parliament, the President,

Privilege—contd

before he gives his consent or allows the question to be discussed by the House, must be satisfied that *prima facie* case of privilege has been made out I may also point out that when such a case is made out, it will be generally found desirable to refer it to a committee of the nature of a Select Committee appointed for the purpose or to a Committee of Privileges appointed at the commencement of each Session as is the present practice in the House of Commons and then upon its report discuss it in the House

I am sure the House generally will recognise the importance of protecting the honour and privilege of the Legislature The Legislature is undoubtedly a most important instrument of Government even under the present constitution and, unless effective means are provided by which Members can be assured to carry on their deliberations in the Chamber without interference and molestation and the dignity of the Legislature is duly protected from outside attacks, it cannot be expected to function to the best advantage The Assembly and the Government may perhaps consider whether the rules and standing orders (specially Rules 24A and 6) should not be suitably amended, so that such difficulties as exist at present, and have been emphasised by the Honourable the Law Member, in the way of raising a question of privilege, may be removed

I now come to the substantive question, what is the nature and extent of freedom of speech, which the members of the Legislature enjoy and which is alleged to have been infringed by the order in question of the United Provinces Government Has a *prima facie* case of privilege been made out, that is, whether the report of the speech of Pandit Krishna Kant Malaviya published in the newspaper *Abhyudaya* (which, I understand, is owned and published by the Member himself) is privileged, so that the action of the United Provinces Government

Privilege—contd

must be regarded as an infringement of the privilege of the Assembly or the individual Member concerned?

Section 67, sub-section (7) of the Government of India Act lays down that

'subject to the rules and standing orders affecting the Chamber, there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either Chamber or by reason of anything contained in any official report of the proceedings of either Chamber'

The privilege which is enunciated here does not go further than to exempt a Member of the Assembly from any proceedings in any court of law by reason of his speech or vote in the Chamber or, by reason of anything contained in any official report of the proceedings. It does not purport to protect publication of any such speech in other than official reports, e.g., in a newspaper, however faithful or bona fide such publication may be. It has been argued, however, by the Leader of the Opposition and the Leader of the Independent Party that I should hold that the freedom of speech in the Chamber entails as a corollary that the publication of the speech of a Member in a newspaper is also privileged. But, having regard to the unambiguous terms in which the limitation of that freedom of speech has been defined in the statute it is impossible for me to extend the privilege to publications other than the official reports. The law in England is substantially the same as that embodied in section 67, sub-section (7) of the Government of India Act.

Of the English cases to which I have been referred bearing upon the point, I find that in Lord Abingdon's case all that is laid down is that a Member of Parliament has certainly a right to publish his speech but, if the speech is made a vehicle of slander

Privilege—contd

against any individual, he would be liable. Similarly, in Mr Creevey's case where a correct report was sent by a Member of Parliament to the Editor of a newspaper with the request that he should publish it, that publication was held not to be privileged and as the report contained a charge against an individual in the House, Mr Creevey was found guilty of libel. In Mr Wason's case the Lord Chief Justice of England laid down 'If a member publishes his own speech reflecting upon the character of another person and omits to publish the rest of the debate, the publication would not be fair, and so would not be privileged but that a fair and faithful report of the whole debate would not be actionable'. But having regard to the language of section 67 (7) of the Government of India Act even a fair and faithful report of the whole debate, except in the official reports, is not protected. In any event in the present case, the whole of the debate in the course of which Pandit Krishna Kant Malaviya made the speech in question, was not published. Erskine May correctly summarises the extent of privilege of a Member in these words 'If a member published his speech, his printed statement becomes a separate publication unconnected with any proceedings in Parliament'.

If any action had been taken in any court against Pandit Krishna Kant Malaviya for publishing his speech in the *Abhyudaya*, he could not plead privilege as a defence to such action, whether such action was taken in a criminal or civil court. But both Mr Jinnah and Mr Bhulabhai Desai argued that executive action stands on a different footing to action in a court. But such action would not raise a question of privilege "hereas in this case the publication is not privileged". I must further point out that the action of the United Provinces Government was taken under certain statutory powers vested in that Government and if privilege had been made out, that fact would have entailed interpretation of section 67 (7) side by side with the Indian

Privilege—contd

Press (Emergency Powers) Act before a decision could be arrived at whether there has been a breach of privilege or not

I have all along assumed that the legislature and the members of the legislature have certain privileges of which freedom of speech in the Chamber is one of the most important I have also assumed that on a motion raising a question of privilege the legislature would be in a position, if a proper case were made out, to find some means of dealing with the situation arising out of the breach of such privilege

The British Parliament, by constant assertion from ancient times, has acquired the status of a high court in all matters affecting its own privileges and those of its members, so that it is called the High Court of Parliament and, like other high courts the Parliament exercises powers to inflict penalties and punishment for 'contempt' It has for a long time exercised such powers through its own officers, the Sergeant-at-Arms and the Black Rod to arrest offenders, punish them with imprisonment in the Tower and the Newgate and the right at least of the House of Lords as a Court of Record also to impose fines in such cases has not been questioned There were conflicts at times between the Parliament and the ordinary courts, particularly the King's Bench, and though some of the punitive and disciplinary functions once exercised by it have now fallen into desuetude, the Parliament still possesses considerable punitive and disciplinary powers No such powers have been vested in our legislatures by the Government of India Act creating them and I also find that section 28 of the Government of India Act, 1935, forbids the enacting of any law conferring on the Federal Legislature punitive or disciplinary powers or the status of a court other than a power to remove or exclude persons infringing the rules or standing orders or otherwise behaving in a disorderly manner The same section, I may also mention, defines in sub-section (1) the freedom of

Privilege—contd.

speech in the legislature in the same terms as section 67, sub-section (7) of the present Government of India Act, and by sub-section (2) it empowers the Federal Legislature to define the privileges of the members of the Legislature and until that is done those privileges will be such as are enjoyed by the members of the Indian Legislature at present. The extent of those privileges may be briefly indicated in general terms as being such as are necessary for the proper discharge of their duties by the members in the Council Chamber. In addition to the President exercising such powers as have been conferred on him by the Rules and Standing Orders, the House itself when a breach of privilege is made out, can always upon a proper motion, express its condemnation and in suitable cases make such recommendation to the Governor General in Council as it thinks fit.

Privilege—contd.

On the Member pressing that the matter was immediate the Speaker permitted the Member to see him in the Chamber when he retired and that he could then raise his point after Lunch

In presenting his case, the Member said that—

- (a) according to the practice in the House of Commons as laid down by "May", it was an encroachment on the rights and privileges of the Members of the House that they should first have to submit their points of privilege to the Speaker in the Chamber before raising them on the floor of the House,
- (b) the promise made from the Chair by the Deputy Speaker that he would be given an opportunity the following Monday after Lunch was not kept because when he returned to the House on Monday afternoon he found that the closure motion had been accepted

The Speaker said

"First point is that he thinks that the rights and privileges are seriously interfered with—if they are not permitted to raise any points of privilege without first consulting the Chair, or informing the Chair I am afraid it is not possible for me to agree with that view because points are raised for clarification or solution and I do not see how they can be immediately clarified or solved on the floor of the House, unless the Chair is aware of what is really worth being brought before the House

"The other part relates to his having been deprived—as he believes—of the opportunity of having his say

"No doubt, as the progress was estimated, it was stated that some convenience would be given to the Honourable Member and if the discussion had continued till 1 P.M yesterday, nobody would have objected, in view of what Mr Deputy Speaker had said here as to giving the Honourable Member a chance of having his say But it is too much to expect that after

Privilege—contd

the moving of the closure the matter should be kept pending just for one Member who was not present here. That is how I look at the matter. I do not think it is a matter of privilege at all, it is only a matter of some kind of convenience which was expected to be given, but which, in the circumstances which subsequently developed, could not be given. The matter ends there and the Honourable Member need not entertain any fears that the rights and privileges of Members will be reduced to nullity if this kind of thing goes on."—C A (Legis) Deb , Part II, 20 December, 1949, pp 829 and 847—49

259 POINT OF PRIVILEGE SCOPE OF DISCUSSION ON— FUNCTIONS OF THE COMMITTEE OF PRIVILEGES

On the 1st March, 1950, allowing Mr Kamath to raise a point of privilege as stated in the Order Paper the Speaker ruled.

"I think, I should make clear, at the beginning, the scope of discussion in this matter. It will not be open while discussing the question of Privilege, to go into the merits of the order made by the Delhi authorities. The only limited question open to discussion here will be that, assuming that order to be illegal or improper "whether there is any question of privilege, and if there is any question of privilege, what is that privilege, and then, if *prima facie* it appears that there is some question of Privilege likely to be involved the further procedure will be that a Committee of Privileges will be appointed by me and it will be the business of that Committee to make all enquiries that it may like to make and then decide or rather make its recommendations and report to the House as to whether there has been any question of Privilege at all and if so to what extent and whether there has been any breach. The report of the Committee will come to the House and on that report the House may adopt such motion as it likes. It may accept the recommendations, it may reject them."

Privilege—contd

may do nothing or pass any particular resolution that it may like”

In reply to a question by Shri R K. Chaudhuri whether the Committee will be asked to consider the question of the punishment of the person responsible for any breach of privilege, the Speaker observed

“That matter is hypothetical at this stage. It will depend upon two factors. The first is appointment of a Committee and then it will depend on the recommendations which the Committee makes. Thereafter, it is perfectly open to the House to consider, in case the Committee recommends that there is a breach, the nature of the breach, how far it is serious or otherwise, and then also, merely because the Committee makes a recommendation, the question of punishment will not arise unless the House concurs in the recommendation of the Committee. It will be for the House then to decide as to what it should do”—Parliamentary Deb., Part II, 1 March, 1950, pp 1019-20

350 POINT OF PRIVILEGE—PROPER PROCEDURE FOR RAISING CHAIR MUST BE CONTACTED IN THE CHAMBER FIRST AND MADE COGNIZANT OF THE MATTER POINT NOT TO BE RAISED STRAIGHTAWAY IN THE HOUSE ITSELF

On the 10th March, 1950, during the discussion of a certain Bill Syed Nausherali sought to raise a point of privilege, but on the Chair directing him to raise it later, he asked for a decision as to whether hon. Members were not entitled to raise a point of privilege if, while the House was in session, a situation arose in the very House itself which appeared to be an infringement of the privileges of the hon. Members. Thereupon, the Speaker ruled

‘If hon. Members want to raise any point, they should first contact me make me cognizant of the point that they want to raise so that I may have time to consider the question, discuss the matter with the Member and try to understand him. Unless this is followed, any Member may choose to raise any point in the House and call it a point of order or privilege and it would mean an unnecessary waste’

Privilege—contd

of time of the House I, as the protector of the rights of Members, am equally bound to see that nobody is allowed to waste the time of the House by raising any point at any time he likes Whenever Members have come and talked to me, I do not remember a single occasion on which I have refused the request of the Member to the point being raised That is a proper procedure If I think that that is really a breach of the privilege—if I am convinced *prima facie* of the position—then of course I will allow that, not otherwise ”

He, however ruled that in the particular instance before the House there was no question of privilege involved—Parliamentary Deb., Part II, 10 March, 1950, pp 1337-38

351 PRIVILEGE(S) POINT OF PRIVILEGE OR ANY OTHER POINT SHOULD BE DISCUSSED WITH THE CHAIR BEFOREHAND BEFORE RAISING IT IN THE HOUSE

On the 30th November, 1950, before the commencement of the Legislative business of the day Shri Kamath complained to the Chair that on the suggestion of the Chair on the previous occasion (when he sought to move an adjournment motion *re* the alleged attack on Prof Shibban Lal Sakseña) he had tried to elicit the requisite information through a short notice question but that nothing was forthcoming from the Government He also made the point in this connection that a Member of the House had been deprived of the privilege of attending the Session of Parliament owing to some action taken against him by another Government and, therefore, requested the Chair to take the necessary action in the matter

The Speaker observed

“I might once again repeat what I have said before I have often told Members that if they want to raise any point in the House they should first see me and have the position clarified When I called upon Mr Kamath I thought there must have been something which was of recent occurrence which he could not communicate to me before I now find that he is referring to an incident of four days ago

Privilege—concl'd

He could well have seen me and could have known as to how the facts stood, whether there was any delay, due or undue. It is hardly fair or proper to ask for an opportunity of making a statement and then refer to other matters which should have been referred to and properly inquired into before the House met. Mr Kamath may follow up the investigation of his question in the Parliament Secretariat office and the other offices concerned and I am sure he would have no ground for complaint."

Mr Kamath thereupon enquired whether it was the Chair's ruling that whenever a Member wanted to raise a point in the House he should discuss the same with the Chair beforehand.

The Speaker then ruled

"Yes, that is the general rule. I have stated it so many times. I have stated also even if it be in respect of a question of privilege, for the simple reason that it gives me an idea as to what the point is that is going to be raised and it gives also an opportunity to the Members to know what the actual facts are. It is no use taking up the time of this House by raising points which have either no substance or merits or which on ascertainment of the facts can not be justifiably raised. I need not cite instances here but just say that a Member of this House wanted to raise a point of privilege only two or three days ago. I advised him not to do it at once and to see me in my Chamber. After seeing me in the Chamber he thought over what he wanted to raise and saw later on that there was no occasion for raising any point of privilege. If points like these are raised in the House, it leads to unnecessary discussion and publicity, which is undesirable."

Par Deb Part II 30 November, 1950, Col 937-38

QUESTIONS

352 QUESTIONS EXTENSION OF THE QUESTION HOUR WHERE PART OF QUESTION TIME TAKEN UP IN ADMINISTERING OATHS TO MEMBERS NOT ALLOWED UNDER STANDING ORDER 10

On the 8th August, 1938, a Member requested the President to extend the question hour by ten minutes as ten minutes had been taken up in the swearing in of Members but the President refused the request saying

With regard to this subject of extending the question hour, I am afraid, I cannot do it, having regard to the interpretation that has always been put upon Standing Order 10. Standing Order 10 says 'The first hour of every meeting shall be available for the asking and answering of questions' It is not more than the first hour',

and added that he was not going to make a departure unless the Standing Order was changed—L A Deb, 8 August, 1938, pp 39-40

353 QUESTIONS CLASSIFICATION MATTER SUITABLE FOR UNSTARRED—SHOULD NOT BE STARRED

During question time on the 30th August, 1933, the President suggesting that Members should use their discretion in deciding what questions should be starred pointed out that certain questions merely asking for laying certain statements on the Table should have been put as unstarred questions and not as starred—L A Deb 30 August, 1933, p 443

354 QUESTIONS PRIVATE NOTICE NOTICE MUST BE GIVEN TO THE CHAIR

On the 1st March, 1926 Sir Alexander Muddiman wished to answer a question of which he had been given private notice

The President ruled "The Chair has received no notice of any such question and therefore cannot allow it to be put"—L A Deb, 1 March, 1926, p 1978

Questions—contd**355 QUESTIONS SHORT NOTICE SUPPLY OF COPIES OF—IN ADVANCE NOT POSSIBLE**

During the course of replies to a short notice question, a Member suggested that copies of short notice questions should be furnished to Members in advance along with other papers for the day, whereupon —

The President pointed out "That is not possible, otherwise it ceases to be a short notice question. The very idea of these short notice questions is that notice is generally given just a day in advance and the Honourable Member for Government undertakes to give an answer and there is not sufficient time to enable Honourable Members to get copies of these questions"—L. A. Deb., 21 February, 1934, p 1093

356 QUESTIONS CANNOT BE ADDRESSED TO THE PRESIDENT

After the President had made his statement on the question of a separate establishment for the Legislative Assembly, Mr K. Ahmed proceeded to put a question.

The President pointed out "The Standing Orders and Rules are quite clear that no questions can be addressed to the President"—L. A. Deb., 5 September, 1928, p 224

357 QUESTIONS MEMBERS PUTTING SHOULD BE IN THEIR SEATS

Mr Chaman Lall not sitting in his own seat proceeded to put questions standing in his name

The President ruled "The Honourable Member must be in his seat to put his questions" and called on the next Member to put his questions

Mr Chaman Lall was allowed to put his question subsequently from his seat—L. A. Deb., 16 February, 1927, p 873

358 QUESTIONS MEMBERS PUTTING SHOULD RISE IN THEIR SEATS

A Member proceeded to put questions in his name without rising in his seat

Questions—contd

The President observed "The Honourable Member must make at least the pretence of rising from his seat"—L A Deb , 25 August, 1927, p 3381

359 QUESTIONS OF ABSENT MEMBERS CAN BE PUT BY ANOTHER MEMBER WITH NECESSARY AUTHORISATION ONLY STANDING ORDERS 18 AND 19

On the 11th February, 1935, a Member wished to ask a question standing in the name of an absent Member, whereupon objection was raised that according to past practice a written authorisation was required. The President promised to consider the point and ruled on the 20th February as follows

"On the 11th February Mr Satyamurti raised the point whether in the case of started questions standing in the name of an absent Member such questions can be asked by another Member, if he has not obtained his authority in writing beforehand. The Chair promised then to give its ruling on the subject. Having considered Standing Orders 18 and 19 and the history of previous practice since 1921, the Chair rules that ordinarily it will not allow a question standing in the name of an absent Member to be asked by another Member unless he has been previously authorised in that behalf. This is in accordance with the recent practice of the Assembly as well as of the House of Commons. But, in special circumstances, in respect of any particular question, the Chair may dispense with such authorisation"—
L A Deb , 11 February, 1935, p 611, and L A Deb , 20 February, 1935, p 1008

360 QUESTIONS OF ABSENT MEMBERS AUTHORITY TO PUT CANNOT BE GIVEN TO MORE THAN ONE MEMBER

At question time on the 26th August, 1938, the President observed as follows

"I find that the Honourable Member (Maulvi Abdul Ghani) has authorised more than one Honourable Member to put his questions on his behalf. I must

Questions—contd

inform the House that only one Honourable Member should be authorised. The authorising of more than one Honourable Member must be discontinued"—L A Deb, 26 August, 1938, p 1083

361 QUESTIONS AUTHORIZATION ON BEHALF OF ABSENT MEMBERS MUST NOT BE GENERAL

A Member rose to put questions on behalf of another Member, whereupon the President remarked

"The Chair understands it is a sort of general authority for the rest of the Session. That cannot be allowed"

The Member pointed out that the authorization was only for four days of the month, the President allowing the questions to be put observed

The Honourable Member cannot have a general power of attorney like that. The Chair will allow it this time, but not in the future"—L A Deb, 8 March, 1939, p 1696

362 QUESTIONS OF ABSENT MEMBERS AUTHORIZATION MUST BE SPECIFIC

On the 9th March, 1939, a Member sought to put a question on behalf of another Member, whereupon the President observed

"The Chair understands the Honourable Member has got only a general authority. The Honourable Member must specify the questions which are asked and the particular date," and disallowed the Member from putting the question —L A Deb, 9 March, 1939, p 1824

363 QUESTIONS OF ABSENT MEMBERS AUTHORIZATION OF ONE MEMBER BY SEVERAL MEMBERS TO PUT QUESTIONS ON THEIR BEHALF NOT IN ORDER

On the 21st March, 1940, Dr Sir Ziauddin Ahmad got up to put questions on behalf of two or three Members, whereupon the President remarked

"The Chair finds Member after Member is absent and has given authority to one Honourable Member to put his questions. This is not in accordance with

Questions—contd

the spirit of the practice according to which an absent Member can be permitted to authorise another Member to put his question. The Chair trusts this sort of thing will not occur again. It must not become the rule'—L A Deb., 21 March, 1940, pp 1667-68

364 QUESTIONS MEMBER FOR GOVERNMENT OUGHT TO BE PRESENT TO ANSWER QUESTIONS

On a question being put at question time, to which no answer was given owing to the absence of the Member for Government in charge.—

The President remarked "The Honourable Member for Government ought to be present here to answer the question"

The Leader of the House thereupon expressed regret for his absence—L A Deb., 17 March, 1926, p 2605

365 QUESTIONS ALTERATIONS IN NOT ALLOWED

Before putting a question a Member wished to alter it by adding certain words, but the President ruled that he could not do so at that stage—L A Deb., 6 March, 1936, pp 1961-62

366 QUESTIONS BASED ON NEWSPAPER ARTICLES TO BE SELF-CONTAINED

In the course of the debate on the motion regarding amendment of Indian Legislative Rules, Dr Ziauddin Ahmad narrated the difficulties experienced by Members in understanding the subject matter of a question given notice of by any Member simply asking whether the attention of Government had been drawn to such and such an article in a particular newspaper, whereupon the President observed that that practice had been stopped and that the Members had to formulate their own question. Later on, in further elucidation of his observation the President said

"The Chair desires to make one point clear with regard to what it said about the reference in questions to statements in newspapers. What the Chair meant was that in proper cases reference can be made to statements appearing in newspapers, but the

Questions—contd

Honourable Members themselves have to formulate the points on which they seek information. Therefore, if any reference to newspapers is there, it need not worry other members as to what is contained in those statements"—L A Deb, 1 February, 1937, p 382

367 QUESTIONS CONTAINING UNPARLIAMENTARY EXPRESSIONS

On the 5th September, 1921, Mr K Ahmed asked a question (No 13), imputing bad faith to Government in the answers given by them

The President thereupon gave his ruling in the course of which he said "A third and graver issue is raised by a question which insinuates that Members of Government often act in bad faith in the answers which they give. Here we pass out of the region of the written rule into that of the unwritten conventions which govern parliamentary life. The Chair is not concerned with the private opinion which one Member holds regarding the good faith of another, but when private opinion finds public expression in the suggestion that officials mislead the Assembly by not being straightforward, we are perilously near the point where reasoned discussion becomes impossible owing to the intrusion of personal feeling and personal charges that are not easily proved or disproved. To this the Chair cannot turn a deaf ear. To pass in silence expressions of that kind would create a precedent which would open the straight road to recrimination and consequently to disorder. Hence the rigour with which expressions, commonly called *unparliamentary*, must be scrutinized by the President"—L A Deb, 5 September, 1921, p 98 (a)

Questions—contd

368 QUESTIONS DEALING WITH INDIVIDUAL CASES DEPRECATED ASSEMBLY NOT A TRIBUNAL OR COURT TO DEAL WITH SUCH CASES

After a question containing certain allegations against the Deputy Secretary in the Finance Department had been answered, the President observed

'The Chair must inform Honourable Members that it has found that there are too many questions which really deal with individual cases. There are some rules so far as the Chair is aware, according to which any Government officer who thinks that justice has not been done to him or injustice has been done to his case has got a right of appeal. And that is the ordinary method, and surely these questions cannot be discussed on the floor of this House. This House is not an administrative tribunal or a court and it cannot deal with such cases' —L A Deb 24 February 1936, pp 1323-25

369 QUESTIONS SUGGESTION TO TAKE ACTION IN ORDER

In the course of supplementary questions to a question re new rules for recruitment to the Indian Civil Service a question was asked if Government proposed to take any action when objection was taken that it was not in order to put such a question. But the President ruled

'It is a well known formula that has been adopted in practice. In the opinion of the Chair, it is quite in order to ask whether Government propose to take any action' —L A Deb 3 September 1936, pp 359-60

370 QUESTIONS BASED ON ANONYMOUS INFORMATION: DUTY OF CH-IP MERELY TO SEE WHETHER MATTER IS OF PUBLIC CONCERN.

In answer to a question re certain letters appearing in a newspaper the Communications Member remarked that

Questions—contd.

he had seen the anonymous letters referred to, when a Member contended that they could not be treated as anonymous as some names had appeared. The Communications Member pointed out that in none of the cases he had referred to had there been any name The President observed

"As regards questions based on information given in anonymous letters so far as the Chair is concerned, what it has got to see is whether the question relates to a matter of public concern or not, and it is not possible for the President to enquire and find out from what source any particular information on which the question is based is derived The Chair wanted to make that clear to the House"—
L A. Deb , 22 September, 1939, p 858

371 QUESTIONS SUPPLEMENTARY DISALLOWED PARTS OF QUESTIONS CANNOT BE REPEATED IN SUPPLEMENTARY QUESTIONS

A Member repeating in a supplementary question parts of the question that had been disallowed,—

The President ruled "The Honourable Member cannot repeat by way of a supplementary question parts of the question, that have been disallowed by the President"—L A Deb , 19 August 1926, p 113

372 QUESTIONS- SUPPLEMENTARY MEMBER REPLYING ENTITLED TO ASK FOR NOTICE

Mr K. Ahmed put a supplementary question of which the Member replying required notice whereupon Mr Ahmed insisted on an answer as the supplementary question arose out of the original question.

The President ruled "The Honourable Member in replying is entitled to ask for notice if he is not able to answer a supplementary question on the spot. The Honourable Member has asked for notice and therefore the Honourable Member has either to ask another question or allow the next question to be taken up"—L A Deb 23 March 1931 pp 2496-97

Questions—contd

373 QUESTIONS SUPPLEMENTARY NOT ALLOWED ON STATEMENTS LAID ON THE TABLE IN ANSWER TO QUESTIONS NOTICE TO BE GIVEN OF SUBSTANTIVE QUESTIONS

A statement was laid on the table in answer to a question after which the Member putting the question asked for permission to put supplementary questions the next day But the President refused saying

"I know in one or two cases I did that, but I have re-considered the matter I have looked into the proceedings, and I have come to the conclusion that no supplementaries should be allowed"—L A Deb 15 September, 1936, pp 995-96

374 QUESTIONS SUPPLEMENTARY SCOPE OF BIG QUESTIONS OF POLICY CANNOT BE DEBATED ON

On a question *re* the defence burden of India, a number of supplementary questions were asked *re* the adequacy and purposes of defence, whereupon the President observed

"These are big questions of policy which cannot be debated on supplementary questions The Chair cannot allow any further questions"—L A Deb , 12 March 1935, pp 2168-69

375 QUESTIONS SUPPLEMENTARY SHOULD NOT CONTAIN REFLECTIONS OR CRITICISMS

During question time on the 18th September, 1935, the Law Member pointed out that reflections and criticisms not forming parts of questions were often introduced in supplementary questions, and the President agreeing remarked

"With regard to the point of order that has been raised, I have observed that often in supplementary questions reflections and criticisms are introduced which is contrary to the rules and Standing Orders"—L A. Deb , 18 September, 1935, pp 1168-69

376 QUESTIONS SUPPLEMENTARY CAN BE PUT ONLY AT THE TIME ANSWER IS GIVEN

On the 6th February 1939 Mr Akhil Chandra Datta asked a question to which the Government Member replied

Questions—contd

that it had already been answered along with another question Mr Datta wanted to put supplementary questions, whereupon the President pointed out that the time to put supplementary questions was when the question was answered along with the previous question—"Supplementary ought to be put when the answer is given"—L A Deb , 6 February, 1939, p 242

377 QUESTIONS SUPPLEMENTARY QUESTIONER MUST HAVE THE FIRST OPPORTUNITY TO ASK

During question time on the 27th February, 1939, a Member rose to put a supplementary question along with the questioner, when the President pointed out—

"Honourable Members must bear in mind that it is only proper to give the questioner first opportunity to put his supplementary question"—L A Deb , 27 February, 1939, p 1477

378 QUESTIONS ANSWERS MUST BE GIVEN IN THE ASSEMBLY AND NOT MERELY SENT TO MEMBERS

An answer was given to a certain question that the information required would be called for and the reply would be communicated to the Member in due course on which the Member asked that the reply should be laid on the table of the House as otherwise Members would not be able to put supplementary questions Sir Alan Parsons doubted if it was necessary to lay the answer on the table in view of the ephemeral nature of the question,—

The President ruled "I should like to bring to the notice of the Treasury Benches that questions are asked in the Assembly, and it is the right of every Honourable Member of the Assembly to ask supplementary questions when replies are given The right of asking questions has been allowed for the specific purpose of giving the whole House an opportunity of knowing what the answer is I think that the practice which has prevailed so far of sending answers to certain questions to the Member concerned is not correct procedure The Honourable Member asks questions with the authority of

Questions—contd

the Assembly, and the Assembly as a whole is entitled to know the replies to admitted questions given by the Treasury Benches. It is therefore necessary that all questions which have been put in the Assembly should be replied to in the Assembly"—L A Deb, 12 February, 1932, pp 611-12 (1)

379 QUESTIONS ANSWERS TO STARRED QUESTIONS SHOULD NOT REFER TO REPLIES TO UNSTARRED QUESTIONS OF THE SAME DAY

The Home Member answering a starred question referred the questioner to certain replies to unstarred questions of the same date, when Pandit Hirday Nath Kunzru asked if such reference was in order

The President thereupon ruled "I think the Honourable Member is quite right. The Government should take care that in their replies to starred questions they make no reference to replies given on the same day to unstarred questions"—L A Deb, 4 September, 1928, pp 14-15

380 QUESTIONS REFERENCE TO ANSWER GIVEN IN COUNCIL OF STATE IN A PREVIOUS YEAR NOT IMPROPER, BUT TO BE READ OUT IF REQUIRED

In answer to a question, Government referred the Member to certain answers given in the Council of State the previous year. In this connection the President made the following observation

"The Chair may mention with reference to the point of order raised about referring an Honourable Member putting a question to the proceedings of the Council of State, the Chair's attention has been drawn to a ruling on the subject that Honourable Members representing Government might as well bear in mind the fact that references to the proceedings in another place should, as far as possible, be avoided. What the Chair would like to add at present is this. The Chair does not think that reference to the published proceedings in the Council of State as containing the answer of Government to a similar

Questions—contd.

question is improper, but the Chair thinks, for the convenience of this House, the Honourable Member who replies to the question should be prepared to read out the answers, if required.—L A Deb 25 March 1935 pp 2634 2635 and 2639

381 QUESTIONS ANSWERS LAIN ON THE TABLE NOT TO BE READ

In the course of a supplementary question Mr Lalchand Navalrai asked the Chair to lay down the practice that replies to question laid on the table should first be read out, in order to enable Members to put supplementary questions

The Chair ruled "As regards the point that the Honourable Member Mr Lalchand Navalrai has raised he ought to know that supplementary questions are intended to elicit further information when the answer is given. When the answer is laid on the table the occasion for asking supplementary questions has passed. The replies laid on the table are printed in the proceedings and if any Honourable Member wishes to obtain more information on the subject he should give notice to get it. The procedure which is now followed is quite correct."—L A Deb 7 March 1932, p 1610

382 QUESTIONS ANSWERS CHAIR NOT RESPONSIBLE FOR ANSWERS GIVEN

In the course of supplementary questions a Member asked the Chair to direct the Government to give proper answers, whereupon the President remarked

"The Honourable Member knows very well that the Chair has got no such function at all. If the Honourable Member finds that an answer is not satisfactory it is up to him to find out any remedy he can. The Chair has no authority in the matter"—L A Deb, 20 February, 1939, p 1139

Questions—contd

383 QUESTIONS "PUBLIC INTEREST" GOVERNMENT SOLE JUDGE OF

When a Member asked the Government to lay on the table a list of books and publications forfeited by Government, the Government Member replied that it was not in the public interest to lay them on the table

Mr Satyamurti wanted to know what 'public interest' meant

The President observed "The Chair understands 'public interest' is a well known phrase, but whether a particular matter is or is not in the public interest, it is entirely for the Government to judge"
—L A Deb, 3 April, 1937, p 2631

384 QUESTIONS ANSWERS RIGHT OF GOVERNMENT TO REFUSE TO DISCLOSE INFORMATION IN THE PUBLIC INTEREST

On the 21st March, 1935, in the course of supplementary answers to a question *re* the opening of a Federation Branch in the Foreign and Political Department, the Government Member refused to disclose certain information on the ground that it was a matter affecting the relations of the Governor General in Council with the Indian States, and that questions relating to communications between the two were therefore out of order Mr Satyamurti thereupon pointed out that no such questions had been raised and that as they were dealing with the proposed Federation, he was entitled to an answer

Whereupon the President observed "As regards any particular communication between the Government of India or the Political Department and the States if the Department says that the communication is of such a nature that they cannot in the public interest disclose it, the Chair must accept that position"—L A Deb, 21 March, 1935, pp 2426-27

385 QUESTIONS REFUSAL TO ANSWER REASONS TO BE GIVEN

A supplementary question to a question *re* the Indo-Burma Financial Adjustment was asked to which the Finance Member replied that he was not prepared to answer

Questions—contd

it It was urged that a refusal to answer any question must be supported by reasons and on appeal the President ruled

"When a Government Member refused to answer a particular question, the Chair generally presumed that it was because it was not in the public interest to answer the question But it is due to this House that an Honourable Member of Government, refusing to answer a particular question, should indicate the ground on which he refuses"—L A Deb, 11 March, 1936, pp 2281-82

386 QUESTIONS DISCRETION OF GOVERNMENT IN GIVING ANSWERS TO QUESTIONS REGARDING MATTERS OF CONTROVERSY UNDER RULE 9

In reply to a supplementary question the Leader of the House said that 'It is not the policy of the Government of India to disclose the substance of the fact of consultation with the Secretary of State' whereupon it was pointed out that unless it was a matter of controversy the Government could not refuse to give any information and under Rule 9 even on matters of controversy a question could be asked as to matters of fact The President remarked

"I do not know whether the Honourable Member who has raised the point of order wants the Chair to give a direction to the Member of Government how to answer a question like that If that is the intention of the Honourable Member, I am afraid the Chair is not in a position to give any such direction If the Honourable Member of the Government is not in a position to give an answer to a question like this, and he will not do it, then I am afraid, the Chair has no authority in the matter and must leave it to the discretion of the Government whether they should answer such a question or not "

And added

"As regards Rule 9 (I do not know if there is any other rule bearing on the point) as the question did not disclose any matter of controversy I admitted the question, but it is still for the Government to exercise their proper discretion whether they should

Questions—contd

answer a question or not I quite agree with the Honourable Member who raised this point of order that ordinarily there ought to be no difficulty on the part of Government to answer a question like that, and certainly Rule 9 does not preclude the Government from answering a question except when the question relates to any matter of controversy, and if any such question is put then the answer would be confined to a statement of facts' —
 L A. Deb, 9 August, 1938, pp 174-75

387 QUESTIONS ANSWER TO A QUESTION STATING THAT THE EXPENSE OR LABOUR INVOLVED IN COLLECTION OF INFORMATION REQUIRED WOULD NOT BE COMMENSURATE WITH THE RESULTS TO BE ACHIEVED HELD IN ORDER

In replying to a question, Government stated that the expense and labour involved in collection of the information required was such that it would not be justified or commensurate with the results to be achieved, whereupon a Member asked, if, after a question had been admitted, it was open to the Government to give such an answer But the President ruled

"With regard to the point of order raised, I think it is quite within the competence of the Government to say that the labour involved in collecting certain information is such that it would not be justified by or commensurate with the result The Chair can have no knowledge and cannot estimate the amount of labour involved in answering the question,"

and added

"There may be some obvious cases in which the Chair can interfere and suggest to the Honourable Member on behalf of the Government to try and answer the question but ordinarily it must be left to the Government"

The point was again raised the next day as to whether Government should be the sole judge in these matters and the President reaffirmed his previous ruling —L A. Deb, 2 April, 1935, p 3375, and L A. Deb, 3 April, 1935, pp 3472-

Questions—contd

388 QUESTIONS ANSWERS LENGTHY STATEMENTS TO BE AVOIDED DESIRABILITY OF MAKING FULL STATEMENTS PERIODICALLY IN REGARD TO IMPORTANT MATTERS

In answer to a question regarding the war situation on the Indian borders, a fairly lengthy statement was made, whereupon the President observed as follows

"With reference to this question and the answer which has been given by the Government Member, I wish to point out that the ordinary object of interpellation is to elicit information on definite matter of public interest and not comprehensive discussion of a subject like the war situation. It is a well established rule of the House that during question time, a lengthy statement on any subject of this nature just read out should be avoided. I would suggest to the House and particularly to the Government Members that as regards the war situation, the Government may consider whether it is not desirable to make a full statement from time to time. The Honourable Member who is responsible for Defence might take the House into confidence as to the progress of the war so far as it affects this country to the extent that is considered expedient"

—L A Deb , 12 February, 1943, pp 141-42

389 QUESTIONS ANSWERS LENGTHY STATEMENTS TO BE LAID ON THE TABLE BUT PURPORT MIGHT BE READ OUT

In answer to a question regarding a plan for guaranteeing freedom from want to demobilised war service-men a fairly lengthy statement was read out, after which the President remarked

"I would like to mention to the House that whenever any question requires such a lengthy statement which has just been read out by the Honourable the Defence Member, it is not the practice that it should be read out at length but the purport of it may be given and the full answer laid on the table."

—L A Deb , 17 February, 1943, pp 318-19

Questions—contd

390 QUESTIONS CALLING OF—A SECOND TIME, WHEN MEMBERS ARE NOT PRESENT DURING FIRST CALL;

On the 27th October 1941 after the questions on the paper had been finished the President made the following announcement regarding the introduction of a second round

Questions—contd

392 QUESTIONS DISPENSING WITH QUESTION HOUR AGREEMENT OF ALL MEMBERS NECESSARY

On Saturday, the 13th November, 1943, an appeal was made to the President to dispense with the question hour on two days in order to give more time for the debate on the motion regarding the food situation in Bengal, whereupon the President pointed out

"There is no question of appealing to the Chair. It is a question of appealing to the Members of the House. If they all agree that the questions should be dispensed with next Monday and Tuesday, I have no objection."

Some members not agreeing, the President announced that the questions would go on, and added

"Those who do not want to put any questions need not do so but without general agreement I cannot lay down that there shall be no questions on those days"—L A Deb 13 November, 1943, pp 249-50

393 QUESTIONS OF ABSENT MEMBERS AUTHORITY FOR ASKING SUCH QUESTIONS SHOULD BE MADE OVER TO THE OFFICE

After a certain question had been put by a member on behalf of another member who was absent, the President inquired whether the member asking the question had obtained the written authority of the absent member, and, on being answered in the affirmative, ruled that such written authority should have been made over to the office—L A Deb 21 November, 1945, pp 589-90

394 QUESTIONS OF ABSENT MEMBERS CANNOT ORDINARILY BE ASKED WITHOUT AUTHORITY STANDING ORDERS 18 AND 19

On the 22nd March, 1945, a member asked for the Chair's permission to ask a question on the paper when the President remarked

"If the Government Member wishes to reply he may do so. It is left to him to do so, unless any particular member has been authorised to put the question on behalf of the absent member"

Questions—contd

The Government Member concerned said he did not propose to reply. However, on the 27th March, 1945 the President explained his ruling of the 22nd March as follows

"I understand there has been some misunderstanding as to why I asked, on the 22nd March, the Government Members concerned if they wanted to reply to the two questions of Members who were absent at the time and had not previously authorised any other Members to put the questions on their behalf. I already had occasion to point out (see my ruling at page 1008 of the Legislative Assembly Debate of February 20, 1935) that in order to meet properly the requirements of Standing Orders 18 and 19 the President would insist ordinarily that the absent Member must authorise in writing another Member to put his questions, otherwise they would not be answered orally and the answers would be laid on the table and printed in the proceedings in due course. I saw no sufficient reason to depart from this ruling in the cases mentioned above and I wish to make it clear once again that it is not desirable that the well-established practice in this respect should be relaxed, though in some exceptional cases the President may at the request of a Member who has not been especially authorised in that behalf, direct the Government Member to reply to a particular question of the Member who is absent. What happened in the cases referred to was, that while I did not think it necessary to direct the Government Members to reply to those questions, I left it to them to do so, if they considered it desirable in the public interest in the spirit of the well-known parliamentary practice in this connection. In May's Parliamentary Practice at page 244 it is stated
 "but in case the member responsible for a question does not answer to the Speaker's call, a Minister may rise and make such statement on the question, as the public interest demands." This far from being in conflict with the requirements of Standing Order 19 is an additional means of securing the object in view"—L A Deb, 22 March, 1945, p 1890 and L A Deb, 27 March, 1945, pp 2108-09

Questions—contd

395 QUESTIONS REFERENCE TO DOCUMENT MENTIONED IN—:
SUBSTANCE OF SUCH DOCUMENT SHOULD BE GIVEN IN QUESTION

When a question was asked in which reference was made to a letter sent by the questioner to the Honourable Member and when the answer had been given, a member rose to ask if such reference could be made to a document not before the House whereupon the President observed

"I think I gave a ruling before that if a reference is made to some statement appearing in a newspaper, the substance of that should be given in the question. And that also applies to a case like this that is to say, the Honourable Member who put this question ought to have mentioned the substance of the contents of the letter"—L A Deb, 9 February, 1945, pp 114-15

396 QUESTIONS SUPPLEMENTARY CANNOT BE PUT THE NEXT DAY IF QUESTION HOUR ON THE PREVIOUS DAY WAS OVER BEFORE SUPPLEMENTARY QUESTIONS COULD BE PUT

Question hour concluded just after a certain answer had been given when Mr Joshi inquired whether supplementary questions could be put the next day but the President remarked

"No a fresh notice will have to be given"—L A Deb, 10 February, 1943, p 21

397 QUESTIONS SUPPLEMENTARY CANNOT BE PUT ON ANSWERS LAID ON THE TABLE

In an answer to a starred question, reference was made to a previous answer in which certain statements had been laid on the table whereupon the questioner submitted that the previous answer should have been read out in full to enable him to ask supplementary questions, whereupon the President pointed out that if the reply had been given in conformity with the rules the matter ended there. The questioner asked if he could put supplementary questions in view of the fact that that was the last day of the session, but the President observed

Questions—contd

"It does not matter whether it is the last day of the Session. The rules will have to be carried out. When the answer has been laid on the table, the Honourable Member cannot put any supplementary questions on that. He can put in a fresh question if he likes and if there is time"—L A Deb., 24 September, 1942, p 499

398 QUESTIONS SUPPLEMENTARY CANNOT BE PUT THE NEXT DAY ON QUESTIONS, THE ANSWERS TO WHICH HAD BEEN LAID ON THE TABLE THE PREVIOUS DAY

After certain answers to questions had been laid on the table as the quota had been exceeded, a member pointed out that there was no opportunity to put any supplementary questions to such questions and requested that permission to put such supplementary questions might be given for the next day, but the President ruled that it could not be done under the rules—L A Deb., 7 November, 1944, p 318

399 QUESTIONS GOVERNMENT MEMBER COMPETENT TO DELEGATE HIS FUNCTIONS REGARDING ANSWERING OF QUESTIONS TO ANOTHER MEMBER

On the 1st April, 1946, a starred question *re* recovery from U.K. and Allied Governments of the compensation paid for Bombay Explosion which was addressed to the Honourable the Finance Member, was answered by the Joint Secretary to the Finance Department. Thereupon Seth Yusuf Abdoola Haroon, reiterating a similar point of order raised by him on 19th March, 1946, urged on the President that on an important question like the present one, the Honourable the Finance Member ought, out of courtesy to the House, to have been present to give authoritative answers and that he ought not to have left it to his deputy to answer the question.

The President observed.

"I think I have to say the same thing as I said last time. In order to be able to supply the information or reply to the question, it is not this or that Member or his importance or status in the service that we should be guided by, but we must look to the

Questions—contd

Member who possesses the best information to be given All subjects, obviously cannot, I believe, be fully studied by one and the same Member and he will have to rely upon his subordinates for getting the information But that is a different matter In the present case, the question that has arisen was not a question of the policy of Government, which the Honourable Member was asking for, but information as to whether the Government of India was merely expediting the disposal and settlement of a debt, and he was asking for the gist of the correspondence between different Governments, a number of Allied Governments being indebted to the Government of India, that is common ground for both the questioner and the person who answered Under the Rules the Chair cannot compel a particular Member of Government to remain present to answer all questions he has got the power of delegation under the Rules ”

On the point of want of courtesy to the House, the President said

“I am afraid I am not able to see eye to eye with the Hon’ble Member, that absence necessarily implies want of courtesy It does not mean that at all, because if that were to be the standing rule of interpretation, I am afraid many Members of the Opposition can be charged with the same thing That should not be our point of view at all Even in Parliament, I believe, there is a practice of Parliamentary Secretaries answering questions ”

When another Honourable Member drew the attention of the President to Rule 8-A(v), the President observed

“I may invite the Honourable Member’s attention to the definition in Rule 2 which says, ‘Member of the Government’ means a Member of the Governor General’s Executive Council, and includes any Member to whom such Member may delegate any function assigned to him under these rules”—L A Deb, 1 April, 1946, pp 3269-70 (See also p 2543 of 19 March, 1946)

Questions—contd

400 QUESTIONS ANSWERS, IF NOT READY IN TIME TO BE LAID ON THE TABLE SUBSEQUENTLY

On 13th March 1946, a Government Member, in answer to a starred question, said "My information on the point raised by the Honourable Member is not yet complete I shall send him a reply shortly" The President ruled

'The proper procedure will be to place the reply on the table of the House The House has been in possession of the question and the reply and the supply of further information should not be a private arrangement between an Honourable Member and the Government' —L A Deb 13 March 1946 p 2321

401 QUESTIONS PRIORITY OF OF ABSENT MEMBERS

On the 11th November 1946 when questions standing in the name of Shri Sri Prakasa who was absent came up Dr Zia Uddin Ahmad wanted to put them as he had the authority from the absent Member The President said that the questions would be taken up after the first round was over A point was then raised by another Member whether priority for the questions would not thereby be lost as they might or might not be reached whereupon the President ruled

"If a Member remains absent and gives authority, all that he can claim is that he should have a chance, but he should not have the liberty of remaining absent and yet have his questions answered in preference to other Members who are present There are a large number of questions and we never reach the list to the end If therefore a Member remains absent, he should have the chance of having them put only after other Members who are present are given a chance"—L A Deb, 11 November, 1946, pp 741-42

402 QUESTIONS NOT PUT BY THE MEMBER PRESENT TO BE TREATED AS WITHDRAWN AND NOT TO BE PRINTED IN THE DEBATES

Certain questions in the name of Mr Ahmed E H Jaffer were not put by him during question hour Another Member having raised the point whether the answers to these

'Questions—contd'

questions would be included in the proceedings, the President ruled

"They are treated as withdrawn and therefore no replies will be printed"—L A Deb, 22 February, 1947, p 960

403 QUESTIONS SHORT NOTICE MEMBER WHO GAVE NOTICE MUST BE PRESENT IN THE HOUSE TO PUT IT—AUTHORITY IN FAVOUR OF ANOTHER MEMBER, NOT RECOGNISED

On the 26th February, 1948, Mr H V Kamath wanted to put a Short Notice Question on behalf of Prof Saksena who had given him an authority in writing Mr Speaker ruled that if an Honourable Member puts a Short Notice Question as a matter of urgency he should be present in the House to put the question himself Mr Kamath was therefore not permitted to put the question orally on behalf of Prof Saksena

[NOTE —The question therefore stood on the same footing as if the Member who gave notice was absent and in accordance with practice the question along with the answer was printed in the proceedings]—C A (Leg) Deb, 26 February, 1948, p 1283

404 QUESTIONS SHORT NOTICE OR ABSENT MEMBER PUT BY ANOTHER MEMBER IN EXCEPTIONAL CIRCUMSTANCES

Prof Ranga who gave notice of a short notice question was not present in the House when his question was called The President allowed the question, the Government Member consenting, to be read by another Member and the answer was given—L A Deb 1 February, 1946, p 351

405 QUESTIONS ANSWERS WHETHER IT IS IN ORDER TO REFER TO ANSWERS GIVEN IN THE OLD CENTRAL ASSEMBLY

On 27th November, 1947, the Honourable Shri N V Gadgil while replying to a starred question referred to his predecessor's replies to certain questions asked in the old Central Assembly whose existence was terminated by the Indian Independence Act, 1947 On a point of order being raised whether this reference was in order, the Speaker held that the Honourable Minister was entitled to refer to

Questions—contd

the previous answers—C A (Leg) Deb, 27 November, 1947, p 769

406 QUESTIONS PUBLICATION IN THE PRESS BEFORE THEY ARE ANSWERED IN THE HOUSE—DEPRECATED

On the 6th February, 1948, Mr Speaker referred to a Short Notice Question due to be answered on that day having found publicity in the Press on the previous day He considered this as a breach of the conventions of the House and said

“I might invite the attention of Honourable Members to the desirability of no question or motion finding publicity in the Press before not only these are admitted but, so far as questions are concerned, before they are answered in the House It is fair both to the House as also to the Government that the question and answer should go to the public together”

He invited the attention of the Press also to this convention—C A (Leg) Deb, 6 February, 1948, p 336

407 QUESTIONS RE INDIVIDUAL APPOINTMENTS—WHEN ADMISSIBLE

On 7th April, 1948, a starred question was asked about an appointment to the post of Controller of Printing and Stationery, and in course of supplementary questions Honourable Members wanted to know the name and qualifications of the person appointed On Mr Speaker stating that he would not encourage questions regarding individual appointments, Shri M Ananthasayanam Ayyangar rose to a point of order He asked whether, in case of Government appointing a person who does not fulfil the requisite qualifications, it was not permissible for Honourable Members to ascertain the facts by means of questions and bring those facts to the notice of the House On this Mr Speaker remarked

“I think the House would do well in not entering into the merits or grievances regarding individual appointments that are made In such cases the best

Questions—contd

course would be for members of the House to approach the Minister concerned. For one instance of that kind I can well appreciate and imagine hundreds of instances in which allegations may be made by interested parties against the person appointed through questions by Members in this House. Looking to the balance of convenience and inconvenience I do feel that the less we discuss about the personalities of officers of the executive, the better it will be for the administration. Otherwise, the tone of the administration will go down. In case there is any injustice, even after representation to the Minister, it may be open to Members to bring the question before the House. Otherwise, if every Honourable Member is going to interfere in the administration in respect of every appointment I think there will be no tone at all left. The function of the House should be to lay down policy and watch the general working of the administration rather than interfere in the day to day work."

He further said that in regard to such questions—

"the allowance or disallowance of questions will have to rest with me and Honourable Members would do well in all such cases to approach the Ministers, and in case they are not able to get satisfaction or they feel that the injustice has not been redressed, it is perfectly open to them to come to me and explain the position so that I may be in possession of the facts and may be in a better position to judge as to whether a particular question should be allowed or not. I have laid down the general policy and Members would do well to be guided by it"—
C A (Leg) Deb, 7 April, 1948, pp 3355-56

408 NEWSPAPER REPORTS PUTTING OF QUESTIONS ON—

During Question Time on the 18th February, 1949, a Member wanted to know whether the facts stated in a newspaper report, regarding the useless state of the engines imported from the U.S.A was correct.

Questions—contd.

3

Referring to the long-standing practice of the House in putting questions merely on newspaper reports, the Speaker ruled

"This is not the practice which is followed in the House of Commons, and for a very good reason. It is the responsibility of Members first to ascertain the facts—the facts can be ascertained by writing to the newspaper editor, to the newspaper that publishes it or to the Ministry concerned by private communication—and then to table a question. I am going to follow the policy of discouraging all questions based on merely newspaper reports"—C A (Legis) Deb, Part I, 18 February, 1949, p 813

409 QUESTIONS ANSWERS IN HINDI TO SUPPLEMENTARY —

On the 20th February, 1950 in the course of supplementary questions and answers, a Member requested that the Minister might reply in English so that others could understand the course of the debate

The Speaker remarked

"The point is that it is perfectly legitimate and permissible to use Hindi. And I may go further and say that the new Constitution makes it obligatory. But that is a different matter. The hon Member will get an English translation in the proceedings"—Parliamentary Deb, Part I, 20 February, 1950, pp 323-24

410 QUESTIONS SUPPLEMENTARY INFORMATION MAY BE ASKED FOR BUT OPINIONS CANNOT BE EXPRESSED

On the 24th February, 1950 in the course of Supplementary Questions and answers the Speaker intervened

"I find many Members expressing opinions and making inferences instead of asking for information, and that makes the answering of the question very difficult. I do not propose to allow those questions in which opinions are expressed"—Parliamentary Deb, Part I, 24 February, 1950, p 472

Questions—contd.

411 QUESTION SUPPLEMENTARY DISALLOWANCE ON THE GROUND THAT IT INVOLVES A MATTER OF OPINION APPLIES EVEN WHEN A MEMBER ASKS THE MINISTER TO STATE THE EXTENT OF HIS SATISFACTION IN REGARD TO PARTICULAR STEPS TAKEN

On the 13th March, 1950, Shrimati Renuka Ray asked a supplementary question enquiring whether the Minister of Labour was satisfied that the State Governments were taking adequate steps to enforce the provisions of the Factories Act. The Speaker disallowed the same on the ground that "it will be asking for opinion if the hon Member asks whether the hon Minister is satisfied etc." Thereupon, the point was raised that "in disallowing questions which involve matters of opinion, hon Members should be entitled to ask the extent to which the hon Minister is satisfied with the steps taken. It is not a matter of giving the questioner's point of view or stating what is a matter of his opinion but asking the hon Minister to say, under the circumstances, the extent to which he is satisfied with the steps taken. That should not be ruled out." Not admitting the plea, the Speaker ruled.

"The Question Hour is intended for eliciting information on certain facts. An hon Member may feel absolutely dissatisfied and the hon Minister may, on the other hand, feel quite satisfied with his own administration. Hon Members may get the information and come to their own conclusions as to whether a matter is satisfactory or not.—Parliamentary Deb., Part I, 13 March, 1950, p 774

412 QUESTIONS INADMISSIBILITY OF QUESTIONS RELATING TO AUTONOMOUS STATUTORY AUTHORITIES

On the 8th April 1950, in a supplementary question Shri Deshbandhu Gupta wanted to know whether the power connections given by the Delhi Central Electric Power Authority (an autonomous statutory authority) for industrial concerns were sanctioned after enquiring into the availability of power.

Questions—contd

The Speaker pointed out

“This House should make it a point, so far as is possible, not to interfere with the autonomy of such Authorities, and questions will be justified only if there is something very exceptional to be urged or to be known”

Continuing, the Speaker observed

“There is the question of maintaining the balance between the authority of this House and the freedom of internal autonomy of the institutions which have been granted that autonomy I do not mean to maintain the proposition that even though this House is sovereign it cannot enquire into certain details It has certainly got the right to enquire into any detail But then, for the purpose of exercising that jurisdiction we must have the balance as to how far we should interfere with the autonomy of those bodies That is the principal point to be borne in mind”—Parliamentary Deb, Part I, 8 April, 1950, pp 1386-87

413 QUESTION HOUR WHETHER THERE CAN BE AN EXTENSION OF—BEYOND THE FIRST HOUR

On the 1st August, 1950, a part of the first hour having been taken in the administration of oaths or affirmations to 21 new Members, some Members suggested the extension of the question hour and Shri Kamath asked for a clarification whether during the first hour, which shall be, under the rules, available for Questions, other matters could be taken up

The Speaker ruled

“The practice is clear It is the *first hour* It is not *one hour*

* * * *

“First hour means first hour It does not mean that we can exceed that and take up the time from the next hour

* * * *

Questions—contd

"Opinions may differ I hold the view that the first hour is the first hour and nothing more"—Parliamentary Deb, Part II, 1 August, 1950 Cols 17 and 19-20

414 QUESTIONS RE INDIVIDUAL OFFICERS NOT ADMISSIBLE: DISCUSSION OF MLRITS OR DEMERITS OF SUCH OFFICERS NOT PERMISSIBLE UNLESS IRREGULARITY OF MINISTERIAL ACTION OR PUBLIC POLICY IS INVOLVED

On the 8th December, 1950, on a question relating to the Director, Central Drugs Laboratory, Calcutta, the Speaker disallowed some Supplementary Questions by Shri Kamath, with the following observation

"It is not in the public interest that an individual officer's merits should be discussed in that manner. That official has no chance of coming to the House and giving information I admitted this question just with a view to see if there was any principle involved No principle appears to be involved in the question and I do not propose to allow any more questions"

The same day after question hour, Shri Kamath asked for a ruling from the Chair as to whether where an Officer of the Government did something contrary to public interest and offensive to public morality, the matter could not be brought on the floor of the House and whether the Minister concerned could not be asked to inquire into the matter. The Speaker then gave the following ruling —

"The hon Member, by putting questions, enquiring into individual qualifications of that particular official, meant to point out very probably that the officer was not fit for the job That was the point of his questions He was enquiring into the degrees, he was enquiring into his experience and what not. Then, I said that I would not allow individual questions of that type, either to support or to bring into disrepute any individual officer I said at the same time also that I saw no question of principle involved in it If there is anything done which is illegal, which is done in a high handed manner, which

Questions—contd

offends against the public morals, and some question of public policy is involved, such questions would be admissible, but not questions otherwise relating to individual officers whose conduct may or may not be liked by certain Members"—Par Deb, Part I, 8 December, 1950, Col 741 and Par Deb, Part II, 8 December, 1950, Col 1389-90

415 QUESTIONS. SHORT NOTICE—OF ABSENT MEMBER CANNOT BE PUT OFF TO SOME OTHER DATE CAN BE PERMITTED TO BE ANSWERED, IF THE HOUSE DESIRED IT

On the 25th November, 1950, a short-notice question in the name of Shri Dvivedi was called but the Member was not present in the House. The Minister of State for Transport and Railways submitted that if the Chair would permit him, he would like to answer the question. Shri Tyagi suggested that the Question could be put off to some other date. The Speaker observed

"It cannot be put off to some other date. But if the hon Members wish that the question should be put and answered I have no objection to the question being put by any other Member"

The question, then, was read out by the Minister himself and the answer given.—Par Deb Part I, 25 November, 1950, Col. 337-38

RESOLUTIONS

General

416 RESOLUTIONS LIST OF BUSINESS ALTERNATIVE RESOLUTIONS IN THE NAME OF ONE MEMBER WHEN ALTERNATIVES CAN BE MOVED.

On the 10th February, 1939 the President after announcing that a certain resolution standing in the name of Choudhri Raghbir Narayan Singh had been withdrawn, observed.

"A question has arisen which the Chair has got to consider whether the next Resolution standing in the name of the same Honourable Member can be moved by him now because the heading says that it

Resolutions, General—contd

is to be moved only if the previous one is barred. The Resolution has been withdrawn, but, without creating any precedent on this point—because the Chair may have to consider it later,—the Chair will allow the Honourable Member to move the next Resolution unless there be any objection on the part of any other Honourable Member who has any Resolution to move after this

As there is no objection the Chair will allow the Honourable Member to move this Resolution, without creating any precedent”

On the 15th February, 1939 the President further explained the matter and ruled as follows

“Honourable Members will remember that I promised to give a ruling on the question that when Resolutions are put down and there is a Resolution in the name of one Member and in the event of that being barred, another Resolution has been put down in the same name whether he is entitled not to move the first Resolution standing in his name and then move the second Resolution Under Schedule I to the Standing Orders in the case of a ballot for Resolutions, any Member who has given notice of a Resolution may have his name entered in the list against one number As Honourable Members are not in a position to know whether a Resolution named by them will be blocked under Standing Order 31 by another Resolution on the same subject obtaining an earlier place in the ballot, they are advised in the usual circular to name more Resolutions than one in the order of their preference and to authorise the Secretary to put down any of their Resolutions on the list in the event of their first choices being blocked It will thus be seen that the sole object of indicating alternative Resolutions is to ensure that success in the ballot is not nullified by the operation of Standing Order 31 That relates to a Resolution being barred by a motion that has already been made The indication of alternative Resolutions does not give a Member the right to

Resolutions, General—contd

select a Resolution on the floor of the House To avoid any misunderstanding, the position is always explained in the remarks column of the circular intimating the result of the ballot It is, therefore, clear that the right to move a particular Resolution is subject to the limitations indicated in the heading prefixed to each alternative Resolution in the List of Business"—L A Deb , 10 February, 1939, p 691 and 15 February, 1939, p 951

417 RESOLUTIONS ADMISSIBILITY OF— POINT OF ORDER REGARDING ADMISSIBILITY CANNOT BE RAISED ON THE FLOOR OF THE ASSEMBLY

On the 3rd November, 1944, Mr Kailash Bihari Lall raised a point of order regarding one of his resolutions which had been disallowed on the ground that it raised more than one issue within the meaning of proviso (a) to S O 59 The President pointed out that the matter could not be argued on the floor of the Assembly and that the member could only make any representation he liked to the Chair —L A Deb , 3 November, 1944, pp 222-23

418 RESOLUTION AN AMENDED RESOLUTION CAN BE WITHDRAWN BY LEAVE OF THE HOUSE—MEMBER CANNOT ASK FOR LEAVE TO WITHDRAW WHILE DIVISION IS IN PROGRESS—WITHDRAWAL CAN BE MOVED ONLY AFTER AMENDMENTS HAVE BEEN DISPOSED OF BY BEING AGREED TO, WITHDRAWN OR NEGATIVELY

On the 25th March 1943 after two amendments to a resolution relating to the grievances of officials and secretariat assistants employed in railways had been adopted, the amended resolution was put to the House and while the division bells were ringing, the mover of the resolution asked for leave to withdraw the resolution on an assurance given by the Honourable Member for Communications Thereupon the President ruled

"The amendments have been adopted and I do not think the Resolution can be withdrawn now"—

and proceeded to put the question.

Resolutions, General—contd.

On the 29th March, 1943, the President, after further consideration of the matter held that the resolution could be withdrawn by leave of the House after amendments to it had been adopted and observed

"The House will remember that on the 25th March, 1943, when Mr Jamnadas Mehta wanted to ask for leave of the House to withdraw a Resolution of his amended after division had been called and the division bells were still ringing, I ruled that he could not do so at that stage. On considering the matter further I wish to inform Honourable Members that while I was right in refusing, while the division bells were ringing, to enquire whether it was the pleasure of the House that the Resolution should be withdrawn, I was not right in laying down that the Resolution could not be withdrawn by leave of the House after amendments to it had been adopted. It is laid down in May's Parliamentary Practice at page 273

'Where an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been first disposed of by being agreed to, withdrawn or negatived, as the question on the amendment stands before the original question.'

I am not aware of any ruling on the subject by the President of this Assembly but having given my best consideration to the matter I am satisfied that the British parliamentary practice in this respect should be followed, since the mover of the amendment or any other Member can prevent withdrawal of a motion by raising his dissentient voice after the amendment had been disposed of"—L A Deb, 25 March, 1943, pp 1465-66 and L A Deb, 29 March, 1943, pp 1544-45

Resolutions, General—contd

WITHOUT NAMES MAY BE MENTIONED BY WAY OF ILLUSTRATION BUT NOT BY WAY OF APPEAL TO GOVERNMENT FOR REDRESS

On the 25th March, 1943, Mr Jamnadas Mehta, while speaking on a resolution of his moved earlier on the 18th March 1943 regarding the grievances of officials and secretarial assistants employed in railways, cited some individual cases and gave the name of a secretariat assistant in one instance Whereupon the President ruled

"I must remind the Honourable Member that the question that is raised by the Resolution is a general one as to the advisability of having an appellate tribunal for these cases. The Resolution does not permit any Honourable Member to discuss individual cases by way of an appeal on the floor of the House to Government for redress"

On Mr Jamnadas Mehta's explaining his position, the President observed

"By way of illustration the Honourable Member can mention some cases I can quite understand that But I do not think that he ought to mention names"
—L A Deb, 25 March, 1943, p 1438

420 RESOLUTIONS ADMISSION OF, BY PRESIDENT, NO BAR TO EXPRESSION OF OPINION ON ADMISSIBILITY, BY MEMBERS

RESOLUTIONS MAY CONSIST OF MORE THAN ONE MATTER PROVIDED THEY ARE ILLUSTRATIVE OF A SINGLE DEFINITE ISSUE

On 4th February 1946, Pandit Govind Malaviya moved the following Resolution

"That in view of the universal expression of public opinion throughout the country in the matter, this Assembly recommends to the Governor-General in Council to give up the trials of the officers of the Indian National Army and to release immediately all men and officers of the Indian National Army as well as all other political prisoners under detention or imprisonment"

Resolutions, General—contd.

similarly given precedence on the 1st April 1946, and on the 8th November, 1946, in the next session. On the 8th November, 1946, Pandit Govind Malaviya was absent, and a motion was made by the Honourable the Finance Member for postponing the consideration of the motion to the current session. This motion was accepted by the House without any dissentient voice. Shortly after the adoption of the motion, a telegram was received from Pandit Govind Malaviya informing me that he wished to withdraw the Resolution.

- 3 On these facts, it is claimed that the Resolution should have been set down and given the first place in the List of Business for 7th February, 1947. The arguments advanced in support of this contention are —
 - (i) There being the unanimous decision of the House to postpone consideration to the next session, it must be given effect to
 - (ii) Reliance is placed on Standing Order 7B, and on the proviso to Standing Order 9, and it is further urged, in the alternative, that if the said proviso does not cover the case, as an exception to the provisions of Standing Order 9, it should be held that the said Standing Order stands superseded, by implication, in view of the express direction of the House to postpone consideration to the next session
 - (iii) It is further urged that, in any case, the President has got the power of making variations in the procedure for ballot under the proviso to Standing Order 7B
- 4 I may take these contentions *seriatim*. I agree that every decision of the House—whether it be a unanimous one, or by majority—has to be given effect to. But I would add that the manner in which and the extent to which this effect can be given, have to be subject to the Rules and Standing Orders governing the business of the House. As will be seen later,

~~Resolutions, General~~—contd

in this particular case, the decision of the House was given effect to

- 5 I am unable to accept the very wide proposition that even a unanimous decision of the House can by implication be taken as superseding all Standing Orders and Rules. The most natural interpretation of any decision of the House is that the House wishes to give effect to it strictly in conformity with the Standing Orders and Rules. If the House so feels, it is competent to take proper steps for such changes, as it may like, in the Standing Orders and Rules. To interpret the decision of the House, as abrogating or superseding Standing Orders by implication would be a very dangerous canon of interpretation. There would then be no fixity of any procedure governing the business of the House and no safeguards to individual members of the House in respect of the exercise of their rights, as such members, in matters where they differ from the majority. To my mind, it is essential for the best and most democratic functioning of the House that there should be stability of procedure, which should not be liable to change by implication with every decision of the House, even if the decision be unanimous. Even on consideration of balance of convenience, the acceptance of this contention would be dangerous, and will lead to greater inconvenience than convenience and to the supersession of the liberties of the dissenting minority. It is to be remembered that a decision of the House is not always unanimous decision, and even in cases where it is unanimous, I may be permitted to point out that the unanimity is perhaps relative and not absolute. Even Members, who have not been present in the House, when a particular decision was taken, are equally interested in maintaining the stability of the procedure, and any decision agreed to by all Members, who were present (it is in this sense that it is alleged that the decision is unanimous) ought not to affect the rights and privileges of absent Members as regards the procedure.

Resolutions, General—contd

for conducting the business of the House I am, therefore, unable to accept the contention that the Rules and Standing Orders relating to the business of the House are capable of being changed by implication and without any resort to the special procedure competent to the House, expressly laid down for the purposes of such changes in the Rules and Standing Orders, as the House may desire.

- 6 Reliance is placed on the proviso to Standing Order 9 which reads as follows —

“Non-official business set down for any day and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day”

Provided that, notwithstanding anything contained in Standing Orders 7A and 7B, any such business which has been commenced shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day”

It will be clear from the wording of the proviso to Standing Order 9 that only that business shall be set down for the next day allotted to business of that class ‘which has been commenced’ The obvious meaning is that the business has not been disposed of by the end of the day, allotted to that particular class of business In ordinary language, it would be called a part-heard matter, and, therefore, it comes up automatically on the next day allotted for that particular class of business The proviso cannot and clearly does not apply to cases in which the consideration of the matter though unfinished was put off to some other day and therefore not ending at the end of the day It cannot be said because of the postponement that the matter is part-heard in the sense that it was pending at the end of the day It was undoubtedly part-heard in the sense that the consideration was not completed.

Resolutions, General—contd

It will be appreciated that the object of the Standing Order is to give the fullest chance for the disposal of all non-official business, and, at the same time, to give fair and equal opportunities to all Members for bringing forward other Resolutions. If a Resolution of the House to postpone consideration were to be interpreted as keeping the matter pending at the end of the day, and, therefore, entitled to precedence over all other business at the next day for such business, it will mean that the majority is being placed in a position to so dominate the conduct of business on days allotted to private business as to allow it to bar all chances for any individual dissentient Member to bring his Resolutions before the House. Supposing five or six Resolutions are put in the list of Business for a particular day, one or two are discussed up to the end of the day, and as regards the remaining, the House passes Resolutions, by a majority, to postpone consideration to the next session. If all these have to be included in the List of Business and given priority, what will happen to the Resolutions of other Members, who might have given notices in respect of them? Even if they get a chance in the ballot, they will never, or rarely be able to bring their Resolutions before the House. Considerations of equity and equal opportunities to all Members also point to the same conclusion.

- 7 As regards the contention that I have the power of making variations under the proviso to Standing Order 7B, it is enough to point out that the power is in respect of '*variations in the procedure for ballot*'. Ordinarily the Standing Order requires that the procedure set out in the Schedule should be followed, but the President is given the power to vary the procedure as he likes. The procedure for balloting to settle the precedence is different from settling the precedence itself on the List of Business for a day.
- 8 For the reasons stated above, the postponed Resolution has to be balloted, and if it does not secure a

Resolutions, General—contd

place in the ballot, it cannot be placed on the List of Business for the next day much less can it be placed as first item. The effect of the decision of the House for postponement of consideration is therefore to supersede neither the necessity for balloting nor to affect the precedence as determined by the ballot.

- 9 In the present instance the Resolution was, therefore, balloted even though there was no fresh notice on the part of the Honourable Member to have the Resolution balloted. His telegram for withdrawal could have no effect. The Resolution being the property of the House and there being a decision to have it for consideration at the next session it was considered admissible for ballot. Unfortunately, it did not secure a place in the ballot, and therefore, it could not be included in the List of Business for the 7th February, nor did it secure a place in the ballot for the 18th February.
- 10 In view of the keenness shown by some Members of the House I considered the question as to how this Resolution could be brought before the House. One possible course would be that Members who have got precedence for items Nos 1 and 2 in today's agenda may not move them and thus give place to item No 3 which is substantially the same as Pandit Govind Malaviya's Resolution. The other course would be that Government may allot time for discussion of the Resolution, as the decision for postponement was unanimous, the Government also being a party to it"—L A Deb., 18 February, 1947, pp 771—73 ..

422 RESOLUTION WHETHER OR NOT RESOLUTIONS MOVED IN THE LAST SESSION OF THE CONSTITUENT ASSEMBLY HAVE LAPSED WITH REFERENCE TO ARTICLE 389 OF THE CONSTITUTION

On the 9th February, 1950, a Member raised the question whether it would be permissible for him to continue his speech which he had not concluded in the last Session of the

Resolutions, General—contd.

Constituent Assembly on the resolution regarding Abolition of Night Air Mail which he had moved

He argued that under Article 389 of the Constitution Bills have been kept pending, by virtue of which they have been discussed in the House now. But there was no such provision for resolutions. Therefore, in the absence of any such specific provision he contended that he may be permitted to continue his unfinished speech.

The Speaker ruled as follows

" The point is covered amply by Article 389. This provision is in the Chapter headed 'Temporary and Transitional Provisions' and by a specific provision this House has been created as a Provisional Parliament till a new Parliament is constituted and it begins to function. Therefore it became necessary to have a provision as to what part of the business in the House which is now defunct should survive for the purpose of continuation in this House. It was for this reason that Article 389 was enacted and as it specifically refers only to Bills, it follows by implication that all other pending business automatically drops out. That is how the hon Member's resolution should be considered to have lapsed"—Parliamentary Deb Part II, 9 February 1950 pp 352-53

423 RESOLUTIONS—AUTHORISING PROVISIONAL PARLIAMENT UNDER ARTICLE 249 OF THE CONSTITUTION AS ADAPTED UNDER ARTICLE 392 FOR MAKING LAWS UNDER STATE SUBJECTS (ITEMS 26 AND 27 OF LIST II) NOT BEYOND THE SCOPE OF THE CONSTITUTION

During the debate on the 12th August, 1950 on the Official Resolution seeking to authorize Parliament to make laws with respect to items 26 and 27 of List II of Seventh Schedule of the Constitution for a period of one year from 15th August 1950 (in accordance with Article 249 of the Constitution as adapted by the President under Article 392 thereof) Shri J R Kapoor raised a point of order on the ground that the Resolution was beyond the scope of the Constitution. He contended that according to Entry 33

Resolutions, General—contd.

of List III, all that the Central Government had to do was to declare that an emergency had arisen and that the next step was to pass the necessary legislation. He further observed that any item included in the Concurrent List can be taken up by Parliament in its own inherent right without passing any Resolution

The Speaker then ruled

It seems those who are urging this point are not clear as to the precise division of powers made by entry 33 of List III on the one hand and the powers which are left to the States under items 26 and 27 of List II. Item No 33 is in the Concurrent List and the Centre will have power, only on the condition that Parliament by law declares that the control of such industries by the Union is expedient in the public interest. Therefore, the power of the Centre to legislate in respect of item 33 is restricted to such industries as are declared by Parliament, by law, to be expedient in the public interest

"Now such a law is not obviously conceived as a temporary measure for six months or a year. It becomes a permanent legislative measure, unless Parliament chooses to revise it

But so long as such legislation stands the power of Parliament to legislate in respect of industries is, to that extent a permanent measure. For instance such other situations may be imagined—there may be a war, there may be some other exceptional circumstances in which case it becomes necessary, for the Union for the sake of a common policy to co-ordinate the policies of the State Governments in certain respects. If the scheme of Article 249 is seen it will be found that, it requires a resolution of the Council of States supported by not less than two-thirds of the members present and voting

'Now hon members will be aware of the Constitution of the Council of States. The Council of States consists mostly, if not wholly, of the representatives

Resolutions, General—contd.

of the various States and the spirit of the Constitution is that if those representatives of the States concur in vesting the Parliament with a power having the effect not of divesting the State, of certain powers, but enabling the Centre to have concurrent powers, so that Central Legislation may supersede the State legislation, then only can we get out of the difficulties and the Centre can exercise the powers. Today, as we have not got the Council of States it becomes necessary for the

Resolutions, General—contd

that is laid before us It does not go against the Constitution and the Resolution as it stands is perfectly in order and a valid one from the constitutional point of view"—Parliamentary Deb , Part II, 12 August, 1950, Cols 929—34

424 RESOLUTIONS SUBJECT MATTER IF sub judice IN-ADMISSIBLE

On the 23rd November, 1950, Kaka Bhagwant Roy sought to move a Resolution *re* the management of the Lady Hardinge Medical College and Hospital, when the Speaker observed that the Resolution could not be permitted as the matter was *sub judice* Kaka Bhagwant Roy pointed out that the case pending in a court of law in this connection had very little to do with the facts which he wanted to place before the House The Speaker ruled the Resolution out of order, observing

"The substantial point at issue is that the question of administration of the College, if not directly, indirectly, is bound to be the subject-matter of proceedings in the Court That is the chief question. The hon Member was good enough to admit that his proposition was connected with it—though he said 'very little' connected, not much more Whatever the degree of connection, undoubtedly the matter is *sub judice*"

Shri B Das then submitted that this matter raised a question of privilege as also a constitutional issue He enquired whether in view of the fact that Parliament was now sovereign, the fact that a law suit was pending *re* an administration precluded the House from discussing that subject

The Speaker thereupon observed

"The Constitution has all along maintained the position that there shall be independence of the Judiciary, and therefore there shall be no interference in matters which are pending adjudication before the courts Our rules also are based on that ground

Resolutions, General—contd

Questions have been disallowed and so far as resolutions are concerned, our rule 116 is very clear It says

'It shall not relate to any matter which is under adjudication by a Court of law having jurisdiction in any part of India'

The question is not about this or that matter or the sovereignty of this House It appears to me, from various observations made by Members at different times that we carry very special notions about sovereignty The House is no doubt supreme It can legislate differently, if it likes But there are certain principles on which the Constitution proceeds and this House will be well advised, even if there is any right, to keep off from matters which are pending enquiry before the courts"—Par Deb , Part II 23 November 1950, Col 542-43

Amendments

425 RESOLUTIONS AMENDMENT PART DISALLOWED UNDER STANDING ORDER 31

A portion of an amendment to a Resolution was disallowed on the ground that it was identical substantially and verbally with a Resolution decided in the same Session—
L A Deb , 21 July, 1923, p 4832

426 RESOLUTIONS AMENDMENT SCOPE OF STANDING ORDER 33 (1)

To the Resolution recommending appointment of a Committee of Inquiry into Currency and Exchange, Mr Jamnadas Mehta moved an amendment proposing the establishment of a State Bank

The President ruled "The establishment of a State Bank is clearly a separate proposition altogether and must be considered on its own merits I do not say that as a matter of argument the Honourable Member would not be otherwise entitled to argue that a State Bank would be a better general manager of the currency than the present

Resolutions, Amendments—contd

authorities, but he cannot propose the establishment of a State Bank as an amendment to the original Resolution" — L A Deb., 27 January, 1925, pp 301-02

427 RESOLUTIONS AMENDMENT VARIATION SCOP OUT OF ORDER

To a resolution re the representation of the Indian Christian Community in the Public Services an amendment seeking to include the claim of the Sikh Community was sought to be moved

The President observed The original Resolution deals only with the claims of the Indian Christian community for representation in public services etc That Resolution does not throw open for discussion "to a whole question of the representation of the various communities in India The amendment of the Honourable Sardar Haribhai Patel widens the scope of the Resolution in this respect and is therefore out of order — L A Deb 9 August 1944, pp 1275-76

428 RESOLUTION AMENDMENT AMENDMENT SEEING TO DELETE THE WORDS NOT AND NOR AND TO SUBSTITUTE AND FOR THE LATTER WORD NOT DIRECT NEGATIVE OF THE RESOLUTION AND IS THEREFORE IN ORDER STANDING ORDER 33(2)

To a resolution recommending that the Government should not ratify a draft convention nor accept the recommendations Mr Joshi moved an amendment to delete the words *not* and *nor* and to substitute "and" for the latter word when objection was raised that the amendment being a direct negative should not be allowed

The President ruled "The Honourable Member's point of order is that the amendment is a direct negative of the motion I have given the best consideration to the matter and I have come to the conclusion that it is not and it does not come under the Standing Order to which the Honourable Member has drawn my attention The object of the Honourable Member in moving his amendment is to place before the House the second issue involved, the issue

Resolutions, Amendments—contd

of ratification of the Convention as against the Government's recommendation not to do so. If that Standing Order were interpreted as contended the result would be that rejecting the Government Resolution would not mean that the House had decided to ratify the Convention. It is therefore necessary that the amendment should be allowed, as it is not a direct negative in the sense covered by the Standing Order, but gives the House an opportunity of deciding whether they want to ratify the Convention or whether they want to refuse to do so.—L A Deb, 1 April, 1931, pp 2984 and 2989

429 RESOLUTIONS AMENDMENT MUST NOT BE VAGUE OR INDEFINITE

During the discussion on the Ottawa Agreement Resolution the President ruled a certain amendment out of order as it was vague and indefinite.—L A Deb, 5 December, 1932 p 2930

430 RESOLUTIONS AMENDMENT PERMITTED ON ASSEMBLY REQUIRED FOR AMENDING AN AMENDMENT ON THE OPINION PAPER

During the discussion on the Resolution re prohibition of importation of foreign rice Prof. Sir J. R. Price moved to omit certain words from the amendment of which he had given notice and to move the amendment without those words. Whereupon the President told him that "he must move the amendment and obtain leave of the House to omit what he wants from the amendment". This was accordingly done.—L A Deb 11 February, 1932, p 292.

Resolutions, Amendments—contd.

The consideration of the point of order was, however, reserved by the Speaker for a subsequent occasion and on the 23rd November 1950 when the debate on the Resolution was resumed, the Speaker observed

"I may say at this stage before Prof Shah replies that, a question was raised last time as to whether certain amendments were in order being the negative of the original proposition I had not then considered the matter I said at that time, I will consider the matter and though there appears to be some technical difference between the amendment of Mr B R Bhagat and Dr Deshmukh, it appears to me that both of these are substantially negative of the original proposition

"There is one difference between the two amendments Mr Bali Ram Bhagat's amendment does not touch and it leaves alone the latter part of the Resolution which says 'that necessary steps be taken forthwith to give effect to them before the next election' In Dr Deshmukh's amendment this portion is also deleted'

Dr Deshmukh contended that his amendment was in order as there was a provision in the Constitution by which Parliament was authorised to determine what other qualifications might be laid down and that he was seeking the opportunity through this Resolution to prohibit Government from bringing forward any Bill prescribing any qualifications in addition to those that had already been laid down in the Constitution

Ruling both the amendments out of order the Speaker observed

"Both are in identical terms As Dr Deshmukh said, the Constitution itself provides two qualifications Therefore, I interpret the Resolution of Prof Shah as meaning, when he says that qualifications be laid down, that qualifications as mentioned in clause (c) be laid down That is the proper meaning of the Resolution Therefore, to say that no other qualifications than those that are laid down in the Constitution should be laid down, really is negative of the

Resolutions, Amendments—contd.

Original resolution That is how it comes to However, he may place it, the substance of it is a negative of the motion But, I must say that a distinction between the two amendments is that the latter part of the Resolution is kept alive by Mr Bhagat's amendment, whereas Dr Deshmukh's amendment does away with the latter part, and correctly so The maintenance of the latter part really is of no effect, because, the Constitution itself has made a provision and nothing further remains to be done There is no point in saying thereafter that steps be taken forthwith to give effect to them before the next elections Steps will be taken, of course, certainly during the course of the elections Therefore, I feel clear that these two amendments, being negative of the original proposition, are out of order

As regards the other argument, Dr Deshmukh wants to settle this question once for all So long as the Constitution stands, I do not see how this House or any other House could be prevented from agitating the same question over and over again This Resolution will not be binding at all times"—Par Deb , Part II, 23 November, 1950, Col 530-31

SESSIONS

132 SESSION SECRET SESSION PROCEDURE LAID DOWN FOR—

After the proposal of the Leader of the House for holding a secret session of the Assembly had been accepted, the President remarked

"I shall therefore in exercise of the powers given to me, order the galleries to be cleared on that day when the motion is going to be moved, with the exception of the gallery for the Council of State, and I shall also direct that the proceedings be not taken down, recorded or published"—L A. Deb , 23 February, 1942, p 405

STATEMENTS

433 STATEMENTS DISCRETION OF CHAIR TO ALLOW MEMBERS TO MAKE

On the resumption of further consideration of the Code of Criminal Procedure (Amendment) Bill on the 16th September, 1929, Sir James Crerar rose to make a statement when objection was taken that such a course was not in order

The President ruled "I have been told that if I allow the Honourable the Leader of the House to make a statement at this stage it would facilitate public business curtail the debate and save public time. I have always exercised the power vested in me in such cases, and I propose to exercise that power in this case, and will exercise that power so long as I am in this Chair"—L A Deb, 16 September 1929, pp 886-81

434 STATEMENTS NO DISCUSSION ALLOWED ON BUT QUESTIONS TO ELICIT INFORMATION PERMITTED

On the 21st September, 1931, the Finance Member made a statement on the Financial position after which certain questions were put to him and Members proceeded to make observations, when—

The President intervened and said "I should like to bring to the notice of Honourable Members that no discussion will be allowed on the statement, but if any Honourable Member wishes to ask questions to elicit further information I will certainly permit him to do so"—L A Deb 21 September, 1931, pp 713-14

435 STATEMENTS STATEMENT BY LEADER OF PARTY HOW FAR IN ORDER

On the motion to refer the Professions Tax Limitation Bill to Select Committee, Mr Jinnah proceeded to make a statement giving reasons for the decision of his party to withdraw from the Assembly for the rest of the session, when a member rose and asked that due consideration might

Statements—contd.

would be no further questions Questions, if at all they are deemed necessary, may be framed on what has been stated in the statement, and they may be dealt with later on"—C A (Leg) Deb , 30th March, 1948, p 2745

VOTE

437 VOTE MEMBERS NOT SWORN IN NOT ENTITLED TO TAKE PART IN ELECTION

During the election of the Standing Finance Committee for Railways,—

The President ruled "Honourable Members who have not taken their oath are not entitled to take part in this election If they have by any chance voted, their votes would be regarded as invalid"—L A Deb , 21 January, 1927, p 17

438 VOTING LIBERTY OF—OF MEMBERS OF SELECT COMMITTEE

A Member asked for a ruling as to whether Members of Select Committee could vote as they liked

The President remarked "I hardly think that is a matter for the Chair to deal with If the Honourable Member means whether an Honourable Member who has changed his mind can vote in a way contrary to that proposed by the Select Committee whose report he has signed I see no power in the Chair or the Assembly to debar him from doing so "

The Member inquiring if there was anything unparliamentary about it,—

The President remarked "That is a somewhat wide phrase"—L A. Deb , 15 September, 1922, p 615

439 VOTING PERSONAL INTEREST

During the discussion on the Steel Industry (Protection) Bill, Mr Devaki Prasad Sinha raised a point of order that Members interested in the Tata Iron and Steel Co as Directors or shareholders should not be allowed to take part in

Vote—contd.

the proceedings of the Assembly or allowed to guide its deliberations in the capacity of the President of the Assembly. After some discussion on the point of personal interest, as it was applied in the House of Commons,—

The President ruled "I have sufficiently heard Members on this point. It has been raised rather in an irregular manner. Still I am not sorry that it has been raised and we have had the expression of opinion from various Members of the House. In the House of Commons objection has been raised to members having a direct personal interest voting—not taking part in the debates—only in case of private Bills and even then the objection has on a good many occasions not been upheld. My conclusion is that in this case I cannot uphold the objection raised by Mr Devaki Prasad Sinha. This is not a private Bill designed to promote the interests of the Tata Iron and Steel Company. It is a Bill brought in by Government involving a question of public policy to give protection to the steel industry."

Further we have to bear in mind the action that the House has already taken during the two days' debate when we appointed as members of the Select Committee of this House various Members who declared that they were shareholders of the Tata Company. I must therefore overrule the objection.—L A Deb, 2 June 1924, pp 2469-85

440 VOTING PERSONAL INTEREST

On the Supplementary Demand for Grant in connection with the grant of bounty to steel manufacturing companies Mr Chaman Lal asked for a ruling as to whether shareholders of Tata's were entitled to vote on the Demand Khan Bahadur Sarfraz Hussain Khan interjected "How does the name of Tata's come in here?"

The President gave the following ruling: "I think the Honourable Member is asking me to play the ostrich. The Honourable Member (Mr Chaman

Withdrawal—contd.

The President ruled that according to the Standing Orders he could have permission only to move a Resolution —L A Deb , 17 September, 1929, p 983.

443 WITHDRAWAL WITHDRAWAL OF AMENDMENTS CANNOT BE MADE WHILE ANOTHER MEMBER IS SPEAKING

While a Member was speaking on a certain amendment, the mover of the amendment intervened and asked for permission to withdraw the amendment The Member speaking asked whether it was permissible while he was speaking and the Deputy President in the Chair (Mr Akhil Chandra Datta) ruled

'When a certain Member is on his legs and is in possession of the House, the motion cannot be withdrawn "--L A Deb 6 December, 1938 p 3952

INDIA

A

Decision No	Pages
----------------	-------

ABSENT MEMBERS—

Member Disqualification of membership due to absence	315	226
Member Tabling an amendment absent when called by Chair loses his right to move later on	313	225
Debate Permissibility of—of replies of an hon Minister in his absence	246	179

ADDRESS—

See "Governor-General"

ADJOURNMENT MOTION—

Adjournment Motion Action taken by authority in due administration of Law Cannot be subject of	50	32—33
Adjournment Motion Alleged negligence of Railways in not providing lights in stations, etc. Motion in order	29	19
Adjournment Motion Arrest of a Member under the ordinary law of the land does not tantamount to breach of privilege nor can be the subject matter of an adjournment motion	54	34—36
Adjournment Motion Based on Government's refusal to answer certain questions Not admissible	40	26—27
Adjournment Motion Based on Decisions of Government on a Report Motion postponed to enable Members to study the Report	19	14
Adjournment Motion Cannot be moved on matter entailing Legislation	41	27
Adjournment Motion Circulation of copies of notices of Not practicable	13	7
Adjournment Motion Disallowed Facts mentioned do not justify allegations in	48	21—22
Adjournment Motion Effect of	5	2—3
Adjournment Motion Fixed at 4 P.M. When clock struck four owing on an amendment was in progress Motion not to be delayed further than was absolutely necessary	7	—

Decision No	Pages
----------------	-------

ADJOURNMENT MOTION—*contd*

Adjournment Motion To discuss appointment of tribunal by Secretary of State <i>re</i> distribution of Revenues Objection that matter not urgent (as Government had taken final decision) disallowed	23	15—16
Adjournment Motion To discuss arrest and detention of person under orders of Govt. of India When in order	24	16—17
Adjournment Motion To discuss sentences of Martial Law Court In order	26	17—18
Adjournment Motion To discuss prevention of persons from travelling by Railway under orders of Provincial Govt In order	27	18
Adjournment Motion To discuss stoppage of Railway Trains In order	28	18—19
Adjournment Motion To discuss Mr Mudie's Enquiry Report Motion as framed not specific .	35	23—24
Adjournment Motion To discuss the attack on President by a newspaper not admissible Question of privilege (assuming that it arose) could not be discussed on a motion for adjournment	37	25
Adjournment Motion To discuss delay in publishing Tariff Board Report. Not admissible in view of practice to publish such report with the conclusions of Government thereon . . .	43	28—29
Adjournment Motion To discuss refusal of Government to take action in rate war between certain companies in Haj Traffic Motion not in order as Government had no obligation to interfere	44	29
Adjournment Motion To discuss the escape of Mir Laik Ali from Hyderabad State Not allowed as the matter related to law and order, a State subject, and also as it was not urgent	55	36—48
Adjournment Motion To discuss wide question of policy Not in order	52	33—34
Adjournment Motion Where Government disputes facts alleged in motion Authentic official information necessary	33	22

ADJOURNMENT OF DEBATE—

Adjournment of Debate Discretion of the Chair	3	1—2
Adjournment of Debate Interval between motions for Discretion of Chair	2	1
Adjournment of Debate Motion when allowed to be moved	1	1

ADJOURNMENT OF THE HOUSE—

Adjournment of the House. Cannot be moved by a member Discretion of Chair

4 2

AGENDA—

See "List of Business"

AMENDMENTS—

See "Debate"

AMENDING BILLS—

See "Bills".

AMENDMENTS—

Amendments Chair not bound to put amendments to the House in the order in which notices were given

60 50—51

Amendments Member speaks to original motion without moving amendment Cannot move amendments consequently

59 50

Member tabling an amendment, absent when called by Chair, loses his right to move later on

313 225

Motions Amendments Time for moving—to motions Must be moved immediately after the main motion

319 227—228

Amendments Negative in character Out of order

431 307—309

Notices of Amendments, etc Should be given in proper form and not on slips of papers

321 231

Amendments Practice of tabling amendments as debate proceeds from day to day To be allowed in the discretion of the Chair

61 51—52

Amendments Procedure Discretion of Chair to select amendments and to decide order in which they should be taken up

58 50

Amendments Stage for Moving Must be moved immediately after clause is placed before the House If not moved at that stage, it cannot be moved when the question is about to be put after the General Discussion on the clause

62 52

See also "Finance Bill", "Bills—Amendments" and "Resolutions"

APPROPRIATION—

Bills Appropriation Bill: Presentation of Budget in two compartments

68 55—57

Bills Appropriation Bill: Scope of Discussion

69 57—61

Decision No	Pages
----------------	-------

ASSEMBLY CHAMBER—

Assembly Chamber Circulation of pamphlets within the Chamber improper	63	53
Assembly Chamber Production of exhibits	64	53
Assembly Chamber Display of flags or emblems within the—	65	53—54

ASSEMBLY PRECINCTS—

Assembly Precincts Use of Neither Chamber nor rooms can be used for any business other than that of the House without the previous sanction of the President	66	54
--	----	----

AUTHORIZATION—

Bills Authorization Member in Charge of a Bill cannot authorize another Member to proceed with it on his behalf	70	61
---	----	----

See also "Questions"

B**BALLOT—**

Resolutions If the discussion of a resolution is adjourned to the next session by order of the Assembly it is necessary to include the resolution in all the ballots for non-Official Resolutions in the next session and it can be included in the List of Business only if it secures a place in the ballot	421	295—300
---	-----	---------

Business Non-Official Ballot unnecessary for non-official Business allowed by Government on Official days	191	150—151
---	-----	---------

BILLS—

Bills Argument as distinct from a point of order that Bill is <i>ultra vires</i> of the Legislature can be advanced at any stage	74	63—64
Bills Appropriation Bill Presentation of Budget in two compartments	68	55—57
Bills Appropriation Bill Scope of Discussion	69	57—61
Bills Authorization Member in charge of a Bill cannot authorize another Member to proceed with it on his behalf	70	61
Bills Competence of Legislative Assembly to entertain legislation on subjects in the Federal List Not for Chair to decide	75	64—69
Bills Language Use of the word 'India'.	105	89

Decision No	Pages
----------------	-------

BILLS—*contd*

List of business	Non-official Bills day Motions for introduction of Bills Not allowed to be moved before other items appearing in the Agenda	305	219—220
Bills	Publication in Official Gazette does not dispense with obligation to make copies available to Members	73	62—63
Bills	Repeal of State Laws in the Concurrent filed by Parliament In consonance with Article 254 of the Constitution Act	78	71—74
Bills	Sanction of Governor General under section 299(3), Government of India Act, 1935 Requirement of sanction attaches only to the introduction of Bills or to moving of amendments	71	61
Bills passed by the Council of State	Sanction of Governor General Point regarding sanction of Governor General cannot be taken in the Assembly if the Bill has been passed without such objection in the Council	72	62
Bills—Scope of discussion		86	78
Bills	Scope of discussion of As reported by the Select Committee	87	78—79
Bills	Whether <i>ultra vires</i> Not for Chair to decide	77	70—71
Bills	Withdrawal of clause Not permissible Must be put and negatived by the House	106	89—90

BILLS, AMENDING—

Bills	Amending Bills Discussion <i>re</i> Sections of the Parent Act which are not sought to be amended—out of order	67	54—5
Bills (Amending)	Scope of discussion limited	76	69—70
Bills (Amending)	Scope of discussion limited	88	79—81

BILLS—AMENDMENTS—

Bills	Amendments Amendment for reference to Select Committee may be moved to motion for reference to Joint Committee	94	83
Bills	Amendments Beyond scope of Bill Clause in an amending Bill proposed to add a sub-clause in certain section Whether the whole section was open to amendment	110	91—92
Bills	Amendments Beyond scope of Bill Out of order	111	92
Bills	Amendments Beyond scope of Bill Out of order	112	92—94

Decision No	Pages
----------------	-------

BILLS—AMENDMENTS—*contd*

Bills Amendments In Order Restoration of clauses omitted by Joint Committee	99	85—86
Bills Last minute amendments to Out of Order unless agreed to by Mover of the Bill	104	88
Bills Marginal Headings Not part of—and amendments thereto not permissible	102	87
Bills Amendments Members of Select Committee can move amendments to clauses agreed to in Select Committee	89	81—82
Bills Amendments Motion for re-circulation When one day notice mentioned in Standing Order 46 not required	95	83—84
Bills Amendments Motion that Bill be taken into consideration Amendment to such motion that Bill be taken into consideration nine months hence Not 1 or r	9	84
Bills Amendments Mover must move the amendment before proceeding with his speech	90	82
Bills Amendments Mover of Bill can move amendments to his own Bill	101	86—87
Bills Amendments Not moved through inadvertance during the Second Reading Stage Cannot be allowed later	93	83
Bills Amendments Only Member who has given notice, can move	100	86
Bills —Procedure to move amendment to in the absence of Member giving notice of amendment	103	88
Bills Amendments Proposing substitution of a clause to have priority	92	82—83
Bills Amendments Reply on amendments does not conclude debate	97	84—85
Bills Amendments Same ground should not be covered when moving an alternative amendment	98	85
Bills Amendments Sanction of the Governor General not required to amendment proposing a duty higher than that proposed in the Bill but lower than that prevalent on the date the Bill was introduced	115	96—97
Bills Amendment to extend operation of the Tax for an indefinite period Sanction not obtained Out of Order	116	97
Bills Amendments Substituting entire schemes have priority over amendments limited to part only	91	82
Bills Amendments To appropriate revenues or monies Sanction of the Governor General necessary	114	5

Decision No	Pages
----------------	-------

BILLS—AMENDMENTS—*contd*

Bills. Amendments Which seek to impose or augment a tax Sanction of the Governor General necessary

113	94—95
-----	-------

Bills Amendments Within scope of Bill Bill originally introduced in Council of State Certain clauses omitted in Council of State Amendments admissible in Assembly

107	90
-----	----

Bills: Amendments Within scope of Bill Limiting scope of Repealing Bills In Order . . .

108	90—91
-----	-------

Bills Amendments Within scope of Bill Amending Bill to extend life of existing Act which imposed a duty Amendment seeking to reduce duty admissible, though section proposed to be amended was not mentioned in the Amending Bill

109	91
-----	----

BILLS—CIRCULATION—

Bills Circulation Motion Amendment regarding restricted circulation in order

120	99
-----	----

BILLS—CIRCULATION MOTION—

Bills: Circulation Motion Does not commit House to principle

117	97—98
-----	-------

Bills Circulation Motion on day of introduction Held in order .

118	98
-----	----

Bills Circulated for opinion Responsibility for preparation of precis of opinions .

122	100—101
-----	---------

Bills Circulation Motion Motion for consideration of the Bill, as reported by Select Committee Amendment for circulation in order Interpretation of Standing Order 44(2)

121	99—100
-----	--------

Bills: Circulation motion Scope of discussion

119	98—99
-----	-------

BILLS—INTRODUCTION—

Bills Introduction Cannot be opposed in case of publication before introduction

80	75
----	----

Bills Imposing Excise Duty Allowed to be introduced without previous notice .

82	75—76
----	-------

Bills Introduction of a non-official Bill by a Member other than the Member who gave notice thereof Authority essential Terms of authority

84	76—77
----	-------

Bills Introduction of Private Members' Bills before other pending Bills Suspension of Rule 22(2) .

85	77—78
----	-------

Bills: Introduction Motions for leave to introduce not to be opposed

81	
----	--

Decision No	Pages
----------------	-------

BILLS—INTRODUCTION—*contd*

Bills Motion for leave to introduce Only two speeches, one by the Mover and the other by the opposition, allowed 83 76

Bills Introduction Speeches Ten minutes Rule . 79 74—75

BILLS—JOINT COMMITTEES—

Bills Amendments In order Restoration of clauses omitted by Joint Committee 99 85—86

Bills Joint Committee Amendment relating to composition of Committee of the Council of State side Out of order 151 124

Bills Select Committee or Joint Committee House committed to principle by reference to 132 108

BILLS—SELECT COMMITTEES—

Bills Select Committee A Member of a Select Committee on a Bill did not sign the Report of the Committee nor authorised the Chairman or Secretary of the Assembly to sign it on his behalf Admissibility of a Minute of Dissent to the Report by such a Member 148 116—117

Bills Select Committee Reports Additional minutes or Minutes of Dissent should be typed or written in ink on foolscap paper 138 111

Bills Select Committee Amendment to consolidating Bills Admissibility of 135 110

Bills Amendments Members of Select Committee can move amendments to clauses agreed to in Select Committee 89 81—82

Bills Select Committee Competence of a Select Committee to consider a revised Bill based on the original Bill placed before the Committee by the Govt Case of the Hindu Code 149 117—123

Bills Circulation Motion Motion for consideration of the Bill, as reported by Select Committee Amendment for circulation in order Interpretation of Standing Order 44(2) 121 99—100

Bills Select Committee Every Member has right of sitting on 124 102

Bills Select Committee Further names cannot be added after original motion is put 128 103

Bills Select Committees Members whose names are proposed as Members of Select Committee will not ordinarily catch the Speaker's Eye 147 116

BILLS—SELECT COMMITTEES—*contd*

Bills Select Committee Motion to include Law Member in Select Committee not necessary if previous Law Member was a Member of the Assembly at the time the Bill was referred to Select Committee	125	102
Bills Motion for recommittal to Select Committee not in order where it is a merely dilatory motion	143	113—114
Bills Motion to recommit Bill to Select Committee Delhi University Amendment Bill Motion held to be dilatory and therefore not in order	144	114
Bills Select Committee Not open to Select Committee to say that it does not agree with the principle of Bill committed to it	133	109
Oath Members not sworn in cannot sit on Select Committees	325	232
Bills Select Committee Report Objection to taking Report into consideration within seven days must be taken when motion for consideration is moved and not later	139	III—112
Bills Select Committee One clause of a Bill cannot be referred to Select Committee unless the Bill itself has been referred to Select Committee and comes back to the House	141	112
Bills Select Committee Permission of Assembly to be obtained beforehand if meeting of a Committee is desired at Simla	130	106
Bills Select Committee Procedure when additional names are proposed to	127	103
Bills Select Committee Procedure to be observed Meetings to be private and not open to strangers and the Press Meetings to be held within the precincts of the House unless otherwise specifically directed by the House Information and documents, placed before Select Committee to be made available to the House Select Committee to decide what relevant documents and information made available to them should be made available to the House No document or report placed before Select Committee to be published until it is presented to the House Evidence of witnesses under S.O 40(4) liable to be made available to the House even when tendered <i>in camera</i> Select Committee to see that Reporters are made available when necessary to take down evidence Members of Select Committee can refer to documents and information given to the Committee but not to discussions or negotiations in the Committee	129	104—106

	Decision No	Pages
BILLS—SELECT COMMITTEES—<i>concl</i>		
Bills Select Committee Proposals in a Bill based on specific duties whether open to Select Committee to change to <i>ad valorem</i> basis	134	109—110
Bills Select Committee proceedings Publication of verbatim or summary Not in order	131	106—108
Bills Select Committees—Power of House to reconstitute	123	101
Bills Select Committees Reference to proceedings how far permissible	146	115
Bills Select Committee Scope of Amendments to be moved in Chairman to decide whether amendments are in order or not	136	110
Bills Scope of discussion of As reported by the Select Committee	87	78—79
Bills Select Committee Report Scope of discussion on	140	112
Bills Select Committee or Joint Committee House committed to principle by reference to	132	108
Publication Bills Select Committee Proceedings cannot be published unless first presented in Parliament	150	123—124
Bills Select Committee Motion To be accompanied by names of Members after obtaining their consent	126	102—103
Bills Select Committee Signature of Report by absent Members	137	110—111
Bills Select Committee When a motion for reference of a Bill to a Select Committee is made, the names of Members proposed for the Select Committee must be supplied beforehand to the Office	145	115
Bills Select Committee Motion Withdrawn by leave of the House Motion repeated in the same Session Not barred by Standing Order 31	142	112—113
BILLS—THIRD READING—		
Bills Third Reading: Scope of discussion on	152	124
Bills Third Reading: Scope of discussion on	153	124—125
BUDGET—		
Budget General Discussion scope of	158	126—127
Bills Appropriation Bills Presentation of Budget in two compartments	68	55—57
BUDGET DEMANDS FOR GRANTS—		
Budget Demands for Grants Motion for omission of whole grant not in order	168	13

Decision No	Pages
----------------	-------

BUDGET DEMANDS FOR GRANTS—*contd*

Budget Demands for Grants	Motions for Reduction		
Cannot be moved by proxy		156	126
Budget Demands for Grants	Motions for reduction		
Not necessarily motions for censure		157	126
Budget Demands for Grants	Motions for reduction		
Reduction motions to be arranged in the Order Paper			
according to their amounts	Token cuts to be		
arranged in the order in which they are received			
in the Office	.	164	130—131
Budget Demands for Grants	Motions for reduction		
Classification and meaning of Priority Motion			
for a token cut should relate to one specific grievance			
only		165	131—133
Budget Demands for Grants	Motions for reduction		
Non-voted items Governor General the deciding			
authority as to what are non-voted items		166	133
Budget Demands for Grants	Motions for reduction		
Omnibus motions for Out of order		167	133—134
Budget Demands for Grants	Motions for reduction		
Test of relevancy of discussion		170	134
Budget Demands or Grants	Motions for reduction		
Scope of discussion		171	135
Budget Demands for Grants	Motions for reduction		
Scope of discussion		172	135
Budget Demands for Grants	Motions for reduction		
Scope of discussion	.	173	135—136
Budget Demands for Grants	Motions for reduction		
Scope of discussion		174	136
Budget Demands for Grants	Motions for reduction		
Scope of discussion	.	175	136
Budget Demands for Grants	Motions for reduction		
No right of reply to Movers of	.	176	136
Budget Demands for Grants	Motions for reduction		
Some Government Member to take part in Debate			
at an early stage , Advisability of such course			
Budget Demands for Grants	Motions for reduction		
Cannot be moved if there is no time for proper dis-			
cussion or division		177	137
Budget Demands for Grants	Motions for reduction		
Cannot be moved to discuss action of Chair in any			
matter		178	137
Budget Demands for Grants	Motions for reduction		
Cannot be moved to discuss action of Chair in any			
matter		179	137—138
Budget Demands for Grants	Motions to omit grant		
Out of order		169	134

Decision No	Pages
----------------	-------

BUDGET DEMANDS FOR GRANTS—*contd*

Budget Demands for Grants New procedure for moving	160	127
Budget Demands for Grants Procedure for moving Demands will be assumed to have been moved and be proposed from the Chair	163	129
Budget Demands for Grants Putting Demands to vote in shorter form after Guillotine had been applied	159	127
Budget Demands for Grants Putting to vote of the House all outstanding Demands for Grants on the last day of the Budget Procedure for	161	128
Scope of Finance Ministry scrutinising—of the House	162	128—129
Budget Demands for Grants Variation in the order in which they appear on the Order Paper When can be made	155	125—126

BUDGET—EXCESS GRANTS—

Budget Excess Grant Resubmission of Demand rejected in a previous Session in order	182	140—141
--	-----	---------

BUDGET—SUPPLEMENTARY GRANTS—

Budget Supplementary Demands Demand for money already spent in excess of voted grant should not be made by way of But in the form of an excess grant	183	141—142
Budget Supplementary Demands (1) Difference between—and Excess Grants (2) Scope of discussion (3) Questions of policy can be raised with respect to New Services	186	145
Budget Supplementary Demands (1) For transfer from Revenue to a suspense Account (Fund for the Development of Broadcasting) Held in order (2) Recommendation of Governor-General need not be separately communicated to Legislative Assembly if already communicated to Finance Department (3) "New Service" explained	185	142—145
Budget Supplementary Demands Full details should be supplied to the Standing Finance Committee	184	142
Budget Supplementary Demands Guillotine applies by Agreement	188	146—147
Budget Supplementary Grants Scope of discussion to be confined to object of Demand and no general grievance can be ventilated	187	146
Budget Supplementary Demands Scope of Discussion	189	147—149

Decision No	Pages-
----------------	--------

BUSINESS—

Business Statement of Should not be debated at length	190	149—150
Business Non-Official Ballot unnecessary for non-official Business allowed by Government on Official days	191	150—151
Business President's Authority to fix meetings from day to day—Interpretations of Standing Order 3(3) (now Rule 9)	192	151—152

C**CASTING VOTE—**

President Casting Vote	338	238
President Casting Vote	339	239
President. Casting Vote should not be discussed .	340	239

CHAIR—

Closure Discretion of Chair to accept closure at any time	194	153
Debate Expression offensive attributing motives to the Chair Depreciated	261	189
Debate Principles on which Chair regulates debate	249	180—18
Debate Selection of speakers by the Chair	250	181—182
Division Chair's discretion to order	275	195
Division Manner of taking Discretion of Chair to take division by asking members to rise in their seats, and not to record names when so taking	282	203—204
Members Performance of Duty Members entering Chamber obstructed in Lobby Warning by Chair	309	222—223
Motions Dilatory Discretion of Chair in accepting	317	226—227
Point of Privilege—Proper procedure for raising—Chair must be contacted in the Chamber first	350	256—257
President of Assembly Allegations of partiality against Chair by a Member Attention of President drawn subsequently Offending remarks expunged from proceedings on a motion proposed by Leader of the House	335	236
Privilege(s) Point of privilege or any other point should be discussed with the Chair beforehand before raising it in the House	351	257 258

Decision No	Pages
----------------	-------

CHAIR—*contd*

Privilege of the House	Newspaper comment insinuating that Chair was partial Such publication constitutes breach of	344	242-243
Statements	Discretion of Chair to allow Members to make	433	310

CHAIRMAN—

Chairman	Exercises same powers as President only while Presiding over the Assembly	193	152-153
----------	---	-----	---------

Division	While voting is in progress Deputy President is debarred from putting a 'Chairman' in the Chair in order to record his vote Meaning of the word 'absence' in Rule 3 (now Rule 7) 'Ayes' and 'Noes' Lobbies integral part of the House during division Deputy President or Chairman who has already recorded his vote is precluded from presiding at the time of division Government of India Act, 1935, 9th Schedule, Section 63D(4)—interpretation of	193	152-153
----------	--	-----	---------

Deputy President	Rights of speech and vote Ruling of—Final No appeal lies to President Occasion when it is desirable that House should have opinion of President Duty of Presiding Officer to ensure continuity of practice and certainty of procedure	279	196-201
------------------	---	-----	---------

CHAMBER—

Division	Presence of strangers in Chamber forbidden Non-Members to vacate Lobbies during—	272	193-194
----------	--	-----	---------

Members	Asked to leave Chamber for obstruction cannot re-enter Chamber for the day	312	224-225
---------	--	-----	---------

Members	Performance of Duty Members entering Chamber obstructed in Lobby Warning by Chair	309	222-223
---------	---	-----	---------

CIRCULATION—

Adjournment Motion	Circulation of copies of notices of Not practicable	13	7
--------------------	---	----	---

Assembly Chamber	Circulation of pamphlets within the Chamber improper	63	53
------------------	--	----	----

CLAUSE—

Bills	Withdrawal of clause Not permissible Must be put and negatived by the House	106	89-90
-------	---	-----	-------

CLOSURE—

Closure Discretion of Chair to accept closure at any time	194	153
Closure Discretion of Chair limited to acceptance of motion But final decision rests with Assembly	195	153
Closure Discretion of Chair to refuse to accept	196	153—154
Closure Accepted by President cannot be discussed	197	154
Closure When a motion for closure is put no debate, argument or appeal is permitted	198	154

F

COMMITTEES—

Committees Consent of nominees must be obtained beforehand	204	157—158
Committees Constituted by Government of India Notification Amendment to increase membership Out of order	210	160—161
Debate Unpublished evidence tendered before a Committee Members of Committee allowed to read such evidence	225	170—171
Committees Motion for election of Members to Statutory Committee Questions of financial basis cannot be discussed on such motions	207	159
Committee Of House Report Members allowed to sign Report under exceptional circumstances after presentation of the Report of the Assembly	206	158—159
Committees Public Accounts Committee Report of No question put on motion to take into consideration but only on Excess Demands	199	154—155
Committees Public Accounts Committee Reports Scope of Discussion on	200	155—156
Committees Public Accounts Committee Unexpected surplus in Railway Budget Allocated in accordance with convention No original provision in Estimates Procedure for obtaining approval of House to appropriation already made	201	156—157
Committees Scope of discussion of motion for election of Members to	205	158
Committees Standing Committees All Members of Assembly eligible for election to	202	157

Decision No.	Pages
-----------------	-------

COMMITTEES—*contd*

Committees Standing Finance Committee Reference to proceedings . . .	203	157
Committees Standing Committees Motion for election of Members to Standing Committee on Roads constituted by resolution of the House Amendment to alter number of Members not in order on such motion Separate resolution to be brought for the purpose . . .	208	159—160
Committees Standing Committees Scope of discussion on motion for election to Administration of a Department cannot be discussed.	209	160
Committees Standing Committee for External Affairs Department Motion for election Functions of Committee cannot be extended by amending this motion Proper procedure is for the Government to amend the relevant rules	211	161—163

CONDOLENCE—

Member Condolence on death of sitting Member in the Chamber Assembly adjourned on the following day	311	224
Motions Condolence motion Death of Kemal Ataturk, President of the Turkish Republic Motion allowed as a special case	318	227

CONSTITUENT ASSEMBLY—

Resolution Whether or not resolutions moved in the last session of the Constituent Assembly have lapsed with reference to Article 389 of the Constitution	422	300-301
---	-----	---------

CORRECTIONS—

Corrections Scope of— By Members or Ministers	212	163
---	-----	-----

COUNCIL OF STATE—

Bills Amendments Within scope of Bill Bill originally introduced in Council of State Certain clauses omitted in Council of State Amendments admissible in Assembly . . .	107	90
Bills Joint Committee Amendment relating to composition of Committee of the Council of State side Out of order	151	124
Bills passed by the Council of State Sanction of Governor-General Point regarding sanction of Governor-General cannot be taken in the Assembly if the Bill has been passed without such objection in the Council	72	6

Decision No	Pages
-------------	-------

COUNCIL OF STATE—*contd*

Debate Council of State Reference to proceedings in Council of State . Not in order . . .	231	173
Debate Reflection on Council of State not in order	232	173—174
Debate Reflection on Constitution of Council of State not in order	268	192
Division Division Lobby Entry of Executive Councillors who are members of the Council of State During voting . . .	283	204—205
Questions Reference to answer given in Council of State in a previous year not improper, but to be read out if required	380	269—270

CUT MOTIONS—

Cut Motions Permissibility of raising—in respect of the House or the arrangements to be made by the House . . .	180	138—139
Cut Motion Debate on supplementary and excess grants—restriction of debates to particulars contained in the estimates	181	139—140
<i>See also "Motions for Reduction"</i>		

D**DEBATE—**

Adjournment of Debate Motion when allowed to be moved	I	I
Adjournment of Debate Interval between motions for Discretion of Chair	2	I
Adjournment of Debate Discretion of the Chair	3	I—2
Amendments Practice of tabling amendments as debate proceeds from day to day To be allowed in the discretion of the Chair	6	3—4
Bills Amendments Reply on amendments does not conclude debate . . .	97	84—85
Debate Bill Consideration Motion Reply of Government Member concludes the debate	238	176
Debate Catching the Speaker's Eye—Procedure stands, irrespective of names given to Speaker beforehand	251	182
Debate Confidential documents Reference to	239	176
Debate Council of State Reference to proceedings in Council of State Not in order	231	173
Debate Courtesy of Member making allegations should be in his seat to hear the reply	254	183—184

DEBATE—*contd*

Debate Courtesy of Member sending notice of motion containing allegations against Government servants should be in his seat to move or withdraw it and make proper amends if the allegations are unfounded	256	184—185
Debate Criticism of the Magistracy When in order	215	164
Debate Criticism of Provincial Administrations not in order	216	165
Cut Motion Debate on Supplementary and excess grants—restriction of debates to particulars contained in the estimates	181	139—140
Debate Decision of House Members not entitled to reflect on	266	191
Debate Decision of House Members not entitled to reflect on	267	191
Debate Discussion in Assembly of Rulings in other Chambers Improper	230	174
Debate Document in Library of the Legislature Not confidential	240	176
Debate Expression offensive attributing motives to the Chair Depreciated	261	189
Debate Foreign Relations Discussion of Out of order	213	163—164
Debate Interruptions Not in order unless Member speaking gives way	252	182
Debate Interruptions Personal explanation Continuous interruption not allowed on	253	183
Debate Judges Reflections on conduct of Not allowed, but criticism of judgment permissible	214	164
Debate Letters from undisclosed persons cannot be read in course of speech	224	176
Debate Maintenance of decorum in Unparliamentary expression "A tissue of lies"	259	188
Debate Member while speaking makes charge of corruption against an officer in a Province Not in order	217	165—167
Debate Members cannot reflect on the conduct of Governor-General, past or present	233	174
Debate Member not speaking when called cannot speak afterwards during the debate	234	174
Debate Members of Government Attendance in the House during Debate on Finance Bill	237	175

Decision No	Pages
----------------	-------

DEBATE—*contd*

Debate Member inattentive when called loses chance	247	179
Debate Member making serious charge in a light-hearted manner against person prominent in public life Reprimanded	255	184
Debate Members must not address other members in the second person	264	190
Debate No reference to party meeting in . . .	248	179—180
Debate Parliamentary Etiquette Expressions unparliamentary Expressions deprecated Expressions not considered unparliamentary . . .	257	185—187
Debate Parliamentary Etiquette Expression un-parliamentary	258	187—188
Debate Parliamentary Etiquette . . .	260	188—189
Debate Permissibility of—of replies of an hon Minister in his absence	246	179
Debate Principles on which Chair regulates debate	249	180—181
Debates Proceedings Procedure in regard to expunging from—of certain objectionable passages	245	178—179
Debate Public Speeches quoted in Should be laid on the Table in full	223	169—170
Debate Quotations from proscribed literature When permissible	221	168—169
Debate Quotation in any language allowed, but must be translated	222	169
Debate Reference to private conversation not allowed	227	171—172
Debate Reference to proceedings of informal committee which are not published Not in order	228	172
Debate Reference to non-members to be avoided .	241	177
Debate Reflection on Council of State not in order.	232	173—174
Debate Reflection on Constitution of Council of State not in order	268	192
Debate Repetition of arguments Not allowed	218	167
Debate Resolution regarding supplementary protection to a particular industry Whether general question of protection can be discussed . . .	229	172—173
Debate Right of Member to speak at the Third Reading stage of —	154	125
Debate Selection of speakers by the Chair . . .	250	181—182
Debate Speeches Long quotations not permissible	239	167—168

Decision No.	Pages.
-----------------	--------

DEBATE—*contd*

Debate Speeches cannot be taken as read	235	175
Debate Speeches Long quotations from opinions circulated Not permissible	242	177
Debate Speeches—written Not to be encouraged	243	177—178
Debate Statement of figures prepared by Member cannot be laid on the Table though figures therein can be used in the speech	226	17D
Debate The stage at which Government should participate in	236	175
Debate Unparliamentary remarks If inaudible, Chair cannot take notice of	244	178
Debate Unparliamentary expressions Use of strong condemnatory expressions like "Nonsense" or "Utter nonsense", though not unparliamentary, not desirable	262	189
Debate Unparliamentary language on	263	190
Debate Unparliamentary language Attention of Chair must be drawn as soon as such language is used	265	190
Debate Unpublished evidence tendered before a Committee Members of Committee allowed to read such evidence	225	170—171
Debate Verbatim repetition of a clause in a Bill: Wasting time of House	220	168

DEPUTY PRESIDENT—

Division While voting is in progress Deputy President is debarred from putting a 'Chairman' in the Chair in order to record his vote Meaning of the word 'absence' in Rule 3 (now Rule 7) 'Ayes' and 'Noes' Lobbies integral part of the House during division Deputy President or Chairman who has already recorded his vote is precluded from presiding at the time of division [Government of India Act, 1935, 9th Schedule, Section 63D(4)]—Interpretation of

Deputy President Rights of Speech and vote Ruling of—final No appeal lies to President Occasion when it is desirable that House should have opinion of President Duty of Presiding Officer to ensure continuity of practice and certainty of procedure

279 196—201

Deputy President Election of Nomination by Member of more than one candidate for Deputy Presidentship Held in order

269 19

DIVISION—*contd*

Division While voting is in progress Deputy President is debarred from putting a 'Chairman' in the Chair in order to record his vote Meaning of the word 'absence' in Rule 3 (now Rule 7) "Ayes" and "Noes" Lobbies integral part of the House during division Deputy President or Chairman who has already recorded his vote is precluded from presiding at the time of division [Government of India Act, 1935, 9th Schedule, Section 63 D(4)]
—Interpretation of

Deputy President Rights of speech and vote
Ruling of—final No appeal lies to President Occasion when it is desirable that House should have opinion of President Duty of Presiding Officer to ensure continuity of practice and certainty of procedure

279 196—201

E**ELECTION—**

Committees Motion for election of Members to Statutory Committee Questions of financial basis cannot be discussed on such motions

207 159

Committees Standing Committees Motion for election of Members to Standing Committee on Roads constituted by resolution of the House Amendment to alter number of Members not in order on such motion Separate resolution to be brought for the purpose

208 159—160

Committees Standing Committees Scope of discussion on motion for election to Administration of a Department cannot be discussed

209 160

Committees Standing Committee for External Affairs Department Motion for election Functions of Committee cannot be extended by amending this motion Proper procedure is for the Government to amend the relevant rules

211 161—163

Deputy President Election of Nomination by Member of more than one candidate for Deputy Presidentship Held in order

269 192

President. Procedure re election of When Ballot closes

342 240—241

See also "Committees"

Decision No	Pages
----------------	-------

G**GALLERIES—**

Galleries of the House Press Gallery Power of President to refuse or withdraw passes to Press Gallery	296	212—213
Galleries of the House Visitors' Gallery No question can be raised re cancellation by the President of passes for	297	213
Galleries of the House Visitors' Gallery Occupation of seat in the Visitors' Gallery by a Member for any length of time not desirable	298	213
Galleries of the House Visitors' Gallery Reference to presence of strangers in the visitors' gallery not in order	299	213—214

GOVERNOR GENERAL—

Governor-General Address to the Assembly Circular in connection with such Address	300	214—215
Governor-General Address to the Assembly under section 63B(3) of the Government of India Act Whether part of the Assembly proceedings or not Standing Order 75	301	216—217
Debate Members cannot reflect on the conduct of the Governor-General, past or present	233	174
Governor-General Presentation of Address to Can only be made after motion is made and carried in the Assembly Rule 24A governs all motions not otherwise provided for	302	217—218

GUILLOTINE—

Budget Demands for Grants Putting Demands to vote in shorter form after Guillotine had been applied	159	127
Budget Supplementary Demands Guillotine applies by Agreement	188	146—147

H**HALF AN HOUR DISCUSSION—**

Half an hour discussion Members wishing to participate in—should give notice Questions for clarification cannot be put during	303	218
---	-----	-----

J

JOINT COMMITTEES—

See 'Bills'

JUDICIARY—

See 'Debate'

L

LANGUAGE—

Bills	Language	Use of the word 'India'	105	89
-------	----------	-------------------------	-----	----

LEGISLATION—

Adjournment Motion	Cannot be moved on matters entailing Legislation	41	27
Adjournment Motion	To censure Government for not introducing particular Legislation Not in order	42	27-28
Bills	Competence of Legislative Assembly to entertain legislation on subjects in the Federal List Not for Chair to decide	75	64—69

LEGISLATIVE ASSEMBLY—

Bills	Argument as distinct from a point of order that Bill is <i>ultra vires</i> of the Legislature can be advanced at any stage	74	63-64
Bills	Competence of Legislative Assembly to entertain legislation on subjects in the Federal List Not for Chair to decide	75	64—69

LIBRARY—

Debate	Document in Library of the Legislature Not confidential	240	176
--------	---	-----	-----

LIST OF BUSINESS—

List of Business	Non-official day Adjourned debate on non-official Resolution not balloted to be set down after balloted resolutions	304	219
List of Business	Non-official Bills day Motions for introduction of Bills Not allowed to be moved before other items appearing in the Agenda	305	219-220
List of Business	Non-inclusion in List of Business of matters of which notices were received from members of a party which had officially withdrawn from Assembly for rest of session	306	220-221

Decision Pages
No

LIST OF BUSINESS—*contd*

List of Business Resolutions Alternative resolutions in the name of one Member When alternatives can be moved

416 289—291

LOBBIES—

Division Presence of strangers in Chamber forbidden Non-Members to vacate Lobbies during—

272 193—194

Division Members must not come into the Chamber after the Lobby doors have been closed

276 195

Division Vote of Member unable to go to Lobby taken in his seat

277 195—196

Members Performance of Duty Members entering Chamber obstructed in Lobby Warning by Chair

309 222—223

M

MAGISTRACY—

See 'Judiciary'

MEETING(S)—

See 'Bills'

MEMBER(S)—

Adjournment Motion Member giving notice of — must be present to ask for leave

15 8—11

Adjournment Motion Name of Member giving notice need not be mentioned by the Speaker when motion contravenes rules, or intended for publicity

16 12—13

Members Asked to leave Chamber for obstruction, cannot re-enter Chamber for the day

312 224—225

Bills Select Committee Members whose names are proposed as Members of Select Committee will not ordinarily catch the Speaker's Eye

147 116

Member Condolence on death of sitting Member in the Chamber Assembly adjourned on the following day

311 224

Debate Member inattentive when called loses chance

247 179

Debate Members must not address other members in the second person

264 190

Members Disqualification of membership due to absence

315 226

Division Members must not come into the Chamber after the Lobby doors have been closed

276 195

Decision No	Pages
----------------	-------

MEMBER (S)—*contd*

Division Vote of Member unable to go to Lobby taken in his seat	277	195—196
Members Nominated Resolution for a Committee Amendment with a view to confine membership to elected members only Disallowed	308	221—222
Members Performance of Duty Members entering Chamber obstructed in Lobby Warning by Chair	309	222—223
Members Seating of Members	310	223—224
Members Seating of Members should stick to their own seat	314	225
Members Speeches Written Reading out of Permissible under Standing Order 27 (now Rule 158)	307	221
Member Tabling an amendment, absent when called by Chair, loses his right to move later on	313	225

MIR LAIK ALI—

Adjournment Motion —To discuss the escape of Mir Laik Ali from Hyderabad State—Not allowed as the matter related to law and order, a State subject, and also as it was not urgent	55	36—48
---	----	-------

MOTION (S)—

President of Assembly Right to withdraw motion from consideration of House, when it is found during discussion to be out of order	333	235—236
Adjournment Motion To consider conduct of President not in order Substantive motion is the only proper procedure for considering the conduct of President	38	25
Motion Admission by Speaker at any stage	320	228—230
Motions Amendments Time for moving— to motions Must be moved immediately after the main motion	319	227—228
Bills Select Committee Motion Withdrawn by leave of House Motion repeated in the same Session Not barred by Standing Order 31	142	112—113
Bills Motion for recommittal to Select Committee not in order where it is a merely dilatory motion	143	3—I
Bills Motion to recommit Bill to Select Committee Delhi University Amendment Bill Motion held to be dilatory and therefore not in order	144	114

MOTION (S)—*contd*

Bills Select Committee When a motion for reference of a Bill to a Select Committee is made, the names of Members proposed for the Select Committee must be supplied beforehand to the Office	145	115
Motions Can be made only by Members of the Assembly	316	226
Motions Condolence motion Death of Kemal Ataturk, President of the Turkish Republic. Motion allowed as a special case	318	227
Motions Dilatory. Discretion of Chair in accepting	317	226-227
Notices Motions Notice of motions should be properly completed and given in time	322	231
Withdrawal of motions Motions can only be withdrawn by leave of House, granted without any negative voice	441	315

MOTION (S) FOR REDUCTION—

Budget Demands for Grants Motions for Reduction Cannot be moved by proxy	156	126
Budget Demands for Grants Motions for reduction. Cannot be moved if there is no time for proper discussion or division	178	137
Budget Demands for Grants Motions for reduction Cannot be moved to discuss action of Chair in any matter	179	137-138
Budget Demands for Grants Motions for reduction Classification and meaning of Priority Motion for a token cut should relate to one specific grievance only	165	131-133
Budget Demands for Grants Motions for reductions No right of reply to Movers of	176	136
Budget Demands for Grants Motions for reduction Non-voted items Governor-General the deciding authority as to what are non-voted items	166	133
Budget Demands for Grants Motions for reduction Not necessarily motions for censure	157	126
Budget Demands for Grants Motions for reduction Omnibus motions for Out of order	167	130-134
Budget Demands for Grants Motions for reduction Reduction motions to be arranged in the Order Paper according to their amounts Token cuts to be arranged in the order in which they are received in the Office	164	130-131

Decision No	Pages
----------------	-------

MOTION (S) FOR REDUCTION—*contd*

Budget	Demands for Grants Scope of discussion	Motions for reduction	171	135
Budget	Demands for Grants Scope of discussion	Motions for reduction	172	135
Budget	Demands for Grants Scope of discussion	Motions for reduction :	173	135—136
Budget	Demands for Grants Scope of discussion	Motions for reduction	174	136
Budget	Demands for Grants Scope of discussion	Motions for reduction	175	136
Budget	Demands for Grants Some Government Member to take part in debate at an early stage	Motions for reduction Advisability of such course	177	137
Budget	Demands for Grants Test of relevancy of discussion	Motions for reduction	170	134

N**NEWSPAPER(S)—**

See "Adjournment Motions" and "Debate"

NON-OFFICIAL DAY—

See "List of Business"

NOTICE(S)—

Adjournment Motion	Notice to Government Member concerned	Should be given in time by Member himself	6	3—4
Adjournment Motion	Notice must be short and must not contain a discussion of the matter of the Motion		9	5
Adjournment Motion	Notice received late	When admissible	10	5—6
Adjournment Motion	Member giving notice of—	Must be present to ask for leave	15	8—11
Adjournment Motion	Matter to be definite	Must be stated specifically in Notice of Motion	45	29—30
Notices of amendments, etc.	Should be given in proper form and not on slips of papers		321	231
List of Business	Non-inclusion in List of Business of matters of which notices were received from members of a party which had officially withdrawn from Assembly for rest of session		306	220—221

Decision No	Pages
----------------	-------

NOTICE (S)—*contd*

Notices	Motions	Notice of motions should be properly completed and given in time	322	231
Questions	Private Notice	Notice must be given to the Chair	354	259

O**OATH—**

Oath	Member unwell	Allowed to take the oath from his seat	323	231
Oath	Members not sworn in	cannot sit on Select Committees	325	232
Oath	Putting of questions or performance of any other function in the House by Members before taking oath	Not permissible	324	231—232

P**PARLIAMENTARY ETIQUETTE—**

Debate	Parliamentary Etiquette	260	188—189
<i>See also "Debate"</i>			

POINT OF ORDER—

Resolutions	Admissibility of Point of order regarding admissibility can be raised on the floor of the Assembly	417	291
Point of Order	Explanation not point of order	327	232
Point of Order	Member speaking must give way when point of order is raised	326	232
Point of Order	Miscellaneous Placing of hat on desk in the House	329	234
Point of Order	Miscellaneous Reading of Newspapers inside the House	330	234
Point of Order	Right of Member of Executive Council to raise point of order when not a Member of the Assembly	328	233

POSTPONEMENT—

Adjournment Motion	Postponed to enable a certain Bill before the House to be finished	17	13
Adjournment Motion	Postponement of Adjournment Motion without prejudice to urgency Motion deferred until information had been obtained by <i>Government</i>	18	13

Decision No	Pages
----------------	-------

POSTPONEMENT—*contd*

Adjournment Motion	Based on Decisions of Government on a Report	Motion postponed to enable Members to study the Report	19	14
Adjournment Motion	Postponed to enable a certain Motion before the House to be finished		21	14—15

PRECIS—

Bills Circulated for opinion	Responsibility for preparation of precis of opinions	122	100—101
------------------------------	--	-----	---------

PRESIDENT OF ASSEMBLY—

President of Assembly	Allegation of partiality against Chair by a Member	Attention of President drawn subsequently	Offending remarks expunged from proceedings on a motion proposed by Leader of the House	335	236
President of Assembly	Casting Vote			338	238
President of Assembly	Casting Vote			339	239
President of Assembly	Casting Vote should not be discussed			340	239
President of Assembly	Procedure re election of When Ballot closes			342	240—241
President of Assembly	Reflection on	Not in order		334	236
President of Assembly	Reflection on impartiality of Member named			341	239—240
President of Assembly	Right to withdraw motion from consideration of House, when it is found during discussion to be out of order			333	235—236
President of Assembly	Rulings Motion that the Speaker do now leave the Chair in order to discuss ruling	Out of order		336	237
President of Assembly	Rulings Criticism of President's rulings by Members outside the Assembly			337	237—238
President of Assembly	Sole authority for maintaining order and interpreting Rules and Standing Orders			331	234
President of Assembly	Sole judge of time taken by speakers			332	234—235

PRESIDENT OF INDIA—

President's powers of adaptation under Article 392 of the Constitution not restricted only to the Government of India Act, 1935	343	241—242
---	-----	---------

PRESS—

Decision Pages
'No.'

Privilege No breach of—in communication of contents of Bill' to Press by Government in advance of introduction

345 243—244

Privilege Breach of Giving Press for publication questions and resolutions before admission

346 244

PRIVILEGE(S)—

Adjournment Motion Arrest of a Member under the ordinary law of the land does not tantamount to breach of privilege nor can be the subject matter of an adjournment motion

54 34—36

Privilege Breach of Giving Press for publication questions and resolutions before admission

346 244

Privilege Motion to discuss how far publication of a Member's speech in the Press is privileged Ruled out of Order Procedure for dealing with matters of privilege Scope of Rule 24A Nature and extent of freedom of speech under section 67(7) of the old Government of India Act, and section 28 of the 1935 Act Adjournment Motion raising a question of privilege only 'Not in order' . . .

347 244—253

Privilege of the House Newspaper comment insinuating that Chair was partial Such publication constitutes breach of

344 242—243

Privilege No breach of—in communication of contents of Bill to Press by Government in advance of introduction

345 243—244

Privilege(s) Point of privilege or any other point should be discussed with the Chair beforehand before raising it in the House . . .

351 257—258

Privilege Procedure in raising points of Privilege of Members of Parliament Whether non-compliance with a Member's request to postpone discussion constitutes a breach of privilege

348 253—255

Point of Privilege—Proper Procedure for raising—Chair must be contacted in the Chamber first

350 256—257

Point of Privilege—Scope of discussion on—Functions of the Committee of Privileges

349 255—256

PROCEEDINGS—

Debates Proceedings Procedure in regard to expunging from—of certain objectionable passages

245 178—179

PUBLIC ACCOUNTS COMMITTEE—

Committees Public Accounts Committee Report of No question put on motion to take into consideration but only on Excess Demands

199 154—155

Decision No	Pages
----------------	-------

PUBLIC ACCOUNTS COMMITTEE—*Contd.*

Committees: Public Accounts Committee Reports Scope of Discussion on	200	155—156
Committees Public Accounts Committee Unexpected surplus in Railway Budget Allocated in accordance with convention No original provision in Estimates Procedure for obtaining approval of House to appropriation already made . . .		
	201	156—157

PUBLICATION—

Bills Publication in Official Gazette does not dispense with obligation to make copies available to Members	73	62—63
Bills Introduction Cannot be opposed in case of publication before introduction	80	75
Publication Bills Select Committee Proceedings cannot be published unless first presented in Parliament	150	123—124
Questions Publication in the Press before they are answered in the House—Deprecated . . .	406	283
Bills Select Committee proceedings Publication of Verbatim or summary Not in order	131	106—108

Q.

QUESTION(S)—

Questions Alterations in Not allowed . . .	365	263
Questions Authorization on behalf of absent Members must not be general	361	262
Questions Based on newspaper articles To be self-contained . . .	366	263—264
Questions Based on anonymous information Duty of Chair merely to see whether matter is of public concern	370	265—266
Questions Calling of—a second time, when Members are not present during first call . . .	390	275
Questions Cannot be addressed to the President	356	260
Questions Classification Matter suitable for unstarred—should not be starred	353	259
Questions Containing unparliamentary expressions	367	264
Questions Dealing with individual cases deprecated Assembly not a tribunal or court to deal with such cases . . .	368	265
Questions Dispensing with question hour Agreement of all Members necessary	392	276

Decision No	Pages
----------------	-------

QUESTION (S) – *Contd*

Questions Extension of Question Hour Where part of question time taken up in administering oaths to Members Not allowed under Standing Order 10	, , 352	259
Questions Government Member competent to delegate his functions regarding answering of questions to another Member	399	279—280
Questions Inadmissibility of questions relating to autonomous statutory authorities	412	286—287
Questions Member for Government ought to be present to answer questions	364	263.
Questions Of absent Members Authorization must be specific	362	262.
Questions Of absent Members Authority for asking such questions should be made over to the Office	393	276.
Questions Of absent Members Cannot ordinarily be asked without authority	394	276—277
Questions Priority of Of absent Members	401	281
Questions Private Notice Notice must be given to the Chair	354	259.
Questions “Public Interest” Government sole judge of	383	271
Questions Publication in the Press before they are answered in the House—Deprecated	406	283
Questions Reference to answer given in Council of State in a previous year not improper, but to be read out if required	380	269—270
Questions Reference to document mentioned in Substance of such document should be given in Question	395	278
Questions Re individual appointments—when admissible	407	283—284
Questions Re individual officers not admissible Discussion of merits or demerits of such officers not permissible unless irregularity of ministerial action or public policy is involved	414	288—289
Questions suggestion to take action In order	369	265
Question Hour Whether there can be an extension of —beyond the first hour (<i>See</i> present Rule 26)	413	287—288
QUESTIONS ANSWERS—		
Adjournment Motion Based on Government's refusal to answer certain questions Not admissible	40	26—27
Questions Answers must be given in the Assembly and not merely sent to Members	378	268—269

Decision No	Pages-
----------------	--------

QUESTIONS ANSWERS—*contd*

Questions	Answers to starred questions should not refer to replies to unstarred questions of the same day	379	269
Questions	Answers laid on the Table need not be read	381	270
Questions	Answers Chair not responsible for answers given	382	270-
Questions	Answers Right of Government to refuse to disclose information in the public interest	384	271
Questions	Answer to a question stating that the expense or labour involved in collection of information required would not be commensurate with the results to be achieved Held in order	387	273
Questions	Answers Lengthy statements to be avoided Desirability of making full statements periodically in regard to important matters	388	274
Questions	Answers Lengthy statements to be laid on table but purport might be read out	389	274
Questions	Answers if not ready in time, to be laid on the Table subsequently	400	281
Questions	Answers Whether it is in order to refer to answers given in the old Central Assembly	405	282—283
Questions	Communiques placed in library in answer to questions need not be laid on Table	391	275
Questions	Discretion of Government in giving answer to questions regarding matters of controversy	386	272—273
Questions	Refusal to answer Reasons to be given	385	271—272-

QUESTIONS PUTTING OF—

Questions of absent members can be put by another Member with necessary authorisation only	359	261
Questions of absent Members Authority to put Cannot be given to more than one Member	360	261—262
Questions Members putting Should be in their seats	357	260
Questions Members putting Should rise in their seats	358	260—261
Questions Newspaper Reports Putting of questions on	408	284—285
Questions Not put by the Member present To be treated as withdrawn and not to be printed in the debate	402	281—282-

Decision No	Pages
----------------	-------

QUESTIONS PUTTING OF--contd

Oath Putting of questions or performance of any other function in the House by Members before taking oath Not permissible	324	231—232
Questions Of absent Members Authorisation of one Member by several Members to put questions on their behalf Not in order	—	—
	363	262—263

QUESTIONS SHORT NOTICE—

Questions Short Notice Member who gave notice must be present in the House to put it	403	282
Questions Short Notice Of absent member Put by another member in exceptional circumstances	404	282
Questions Short Notice—of absent member Cannot be put off to some other date Can be permitted to be answered, if the House desired it	415	289
Questions Short Notice Supply of copies of—in advance not possible	355	260

QUESTIONS SUPPLEMENTARY—

Questions Answers in Hindi to Supplementary	409	285
Questions Supplementary Can be put only at the time answer is given	376	267—268
Questions Supplementary Cannot be put the next day, if question hour on the previous day was over before supplementary questions could be put	396	278
Questions Supplementary Cannot be put on Answers laid on the Table	397	278—279
Questions Supplementary Cannot be put the next day on questions, the answers to which had been laid on the Table the previous day	398	279
Question Supplementary Disallowance on the ground that it involves a matter of opinion Applies even when a member asks the Minister to State the extent of his satisfaction in regard to particular steps taken	411	286
Questions Supplementary Disallowed parts of questions cannot be repeated in supplementary questions	371	266
Questions Supplementary Information may be asked for but opinions cannot be expressed	410	285
Questions Supplementary Member replying entitled to ask for notice	372	266

QUESTIONS SUPPLEMENTARY—*contd.*

Questions Supplementary Not allowed on statements laid on the table in answer to questions Notice to be given of substantive questions	373	267
Questions Supplementary Questioner must have the first opportunity to ask	377	268
Questions Supplementary Scope of Big questions of policy cannot be debated on	374	267
Questions Supplementary Should not contain reflections or criticisms	375	267

QUESTION HOUR—

Questions Extension of the question hour Where part of question time taken up in administering oaths to Members Not allowed under Standing Order 10	352	259
Questions Dispensing with question hour Agreement of all Members necessary	392	276
Question Hour Whether there can be an extension of —beyond the first hour	413	287—288

R

REPORT(S)—

Bills Select Committee Reports Additional minutes or minutes of Dissent should be typed or written in ink on foolscap paper	138	III
Bills Select Committee Report Objection to taking Report into consideration within seven days must be taken when motion for consideration is moved and not later	139	III—III
Bills Select Committee Report Scope of discussion on	140	III
Bills Select Committee A Member of a Select Committee on a Bill did not sign the Report of the Committee nor authorised the Chairman or Secretary of the Assembly to sign it on his behalf Admissibility of a Minute of Dissent to the Report by such a Member	148	III—III

RESOLUTION(S)—

Adjournment Motion Must not anticipate a Resolution which is likely to be reached on the next Resolution Day	42	32
Resolutions Admission of by President no bar to expression of opinion or admissibility, by members	422	222—222

	Decision No	Page
RESOLUTION (S)— <i>contd</i>		
Resolutions Admissibility of Point of order regarding admissibility can be raised on the floor of the Assembly	417	291
Resolution An amended resolution can be withdrawn by leave of the House—Member cannot ask for leave to withdraw while division is in progress—Withdrawal can be moved only after amendments have been disposed of by being agreed to, withdrawn or negatived	418	291—292
Resolutions—Authorising provisional Parliament under Article 249 of the Constitution, as adapted under Article 392, for making laws under State subjects (items 26 and 27 of List II) not beyond the scope of the Constitution	423	301—304
Debate Resolution regarding supplementary protection to a particular industry Whether general question of protection can be discussed	229	172—173
Resolutions If the discussion of a resolution is adjourned to the next session by order of the Assembly it is necessary to include the resolution in all the ballots for non-official Resolutions in the next session and it can be included in the List of Business only if it secures a place in the ballot	421	295—300
List of Business Non-official day Adjourned debate on non-official Resolution not balloted To be set down after balloted resolutions	304	219
Resolutions List of Business Alternative resolutions in the name of one Member When alternatives can be moved	416	289—291
Members Nominated Resolution for a Committee Amendment with a view to confine membership to elected members only Disallowed	308	221—222
Resolution Scope of discussion where a general question is raised by a resolution, individual cases without names may be mentioned by way of illustration but not by way of appeal to Government for redress	419	292—293
Resolutions Subject matter if <i>sub judice</i> Inadmissible	424	304—305
Resolution Whether or not resolutions moved in the last session of the Constituent Assembly have lapsed with reference to Article 389 of the Constitution	422	300—301
RESOLUTION(S) AMENDMENT(S)—		
Resolutions Amendment Amendment seeking to delete the words "not" and "nor" and to substitute "and" for the latter word Not direct negative of the resolution and is therefore in order	428	305—307

Decision No	Pages
----------------	-------

RESOLUTION (S) AMENDMENT (S)—*contd*

Resolutions	Amendment	Must not be vague or indefinite	429	307
Resolutions	Amendment	Part disallowed	425	305
Resolutions	Amendment	Permission of Assembly required for amending an amendment on the order paper	430	307
Resolutions	Amendment	Scope of Standing Order 33(1) [now Rule 154(1)]	426	305—306
Resolutions	Amendment	widening scope Out of order	427	306

RULING(S)—

President Rulings	Criticism of President's rulings by Members outside the Assembly	337	237—238
President Rulings	Motion that the Speaker do now leave the Chair in order to discuss ruling Out of order	336	237

S

SANCTION—

Bills	Amendments Which seek to impose or augment a tax Sanction of the Governor General necessary	113	94—95
Bills	Amendments To appropriate revenues or monies Sanction of the Governor General necessary	114	95
Bills	Amendments Sanction of the Governor General not required to amendment proposing a duty higher than that proposed in the Bill but lower than that prevalent on the date the Bill was introduced	115	96—97
Bills	Amendment to extend operation of the Tax for an indefinite period Sanction not obtained Out of order	116	97
Bills	Sanction of Governor General under section 299(3), Government of India Act, 1935 Requirement of sanction attaches only to the introduction of Bills or to moving of amendments	71	61
Bills	passed by the Council of State Sanction of Governor General Point regarding sanction of Governor General cannot be taken in the Assembly if the Bill has been passed without such objection in the Council	72	62

SCOPE—

Bill's)(Amending	Scope of discussion limited	76	69—70
------------------	-----------------------------	----	-------

Decision No	Pages
----------------	-------

SCOPE—*contd*

Bills (Amending) Scope of Discussion limited	88	79—81
Bills Amendments Within scope of Bill Limiting scope of Repealing Bills In Order	108	90—91
Bills Amendments Within scope of Bill Amending Bill to extend life of existing Act which imposed a duty Amendment seeking to reduce duty admissible, though section proposed to be amended was not mentioned in the Amending Bill	109	91
Bills Amendments Beyond scope of Bill Clause in an amending Bill proposed to add a sub-clause in certain section Whether the whole section was open to amendment	110	91—92
Bills Amendments Beyond scope of Bill Out of order	111	92
Bills Amendments Beyond scope of Bill Out of order	112	92—94
Bills Circulation motion Scope of discussion	119	98—99
Bills Scope of discussion	86	78
Bills Third Reading Scope of discussion on	152	124
Bill Third Reading Scope of Discussion on	153	124—125

SELECT COMMITTEE—

Bills Select Committee Reports Additional minutes or Minutes of Dissent should be typed or written in ink on foolscap paper	138	111
Bills Select Committee A Member of a Select Committee on a Bill did not sign the Report of the Committee nor authorised the Chairman or Secretary of the Assembly to sign it on his behalf Admissibility of a Minute of Dissent to the Report by such a Member	148	116—117
Bills Select Committee' Amendment to consolidating Bills Admissibility of	135	110
Bills Select Committee Competence of a Select Committee to consider a revised Bill based on the original Bill placed before the Committee by the Govt Case of the Hindu Code	149	117—123
Bills Select Committee Every Member has right of sitting on	124	101—102
Bills Select Committee Further names cannot be added after original motion is put	128	103
Bills Select Committee or Joint Committee House committed to principle by reference to	132	108

SELECT COMMITTEE—*contd*

Bills Select Committee Members whose names are proposed as Members of Select Committee will not ordinarily catch the Speaker's Eye	147	116
Bills Select Committee Motion to include Law Member in Select Committee not necessary if previous Law Member was a Member of the Assembly at the time the Bill was referred to Select Committee	125	102
Bills Select Committee Not open to Select Committee to say that it does not agree with the principle of Bill committed to it	133	109
Bills Select Committee One clause of a Bill cannot be referred to Select Committee unless the Bill itself has been referred to Select Committee and comes back to the House. Standing Order 44(1)(b)(ii)	141	112
Bills Select Committee Permission of Assembly to be obtained beforehand if meeting of a Committee is desired at Simla	130	106
Bills Select Committee Power of House to reconstitute	123	101
Bills Select Committee Procedure when additional names are proposed to	127	103
Bills Select Committee Procedure to be observed Meetings to be private and not open to strangers and the Press Meetings to be held within the precincts of the House unless otherwise specifically directed by the House Information and documents placed before Select Committee to be made available to the House Select Committee to decide what relevant documents and information made available to them should be made available to the House No document or report placed before Select Committee to be published until it is presented to the House Evidence of witnesses under S O 40(4) liable to be made available to the House even when tendered <i>in camera</i> Select Committee to see that Reporters are made available when necessary to take down evidence Members of Select Committee can refer to documents and information given to the Committee but not to discussions or negotiations in the Committee	129	104—106
Bills Select Committee Proposals in a Bill based on specific duties whether open to Select Committee to change to <i>ad valorem</i> basis	134	109-110
Bills Select Committee proceedings Publication of Verbatim or summary Not in order	131	106—108
Bills Select Committees Reference to proceedings how far permissible	146	115

Decision No	Pages
----------------	-------

SELECT COMMITTEE—*contd*

Bills Select Committee Report	Scope of discussion on	140	112
Bills Select Committee	Scope of Amendments to be moved in Chairman to decide whether amendments are in order or not	136	110
Bills Select Committee	Signature of Report by absent Members	137	110-111
Bills Select Committee Motion	To be accompanied by names of Members after obtaining their consent	126	102-103
Voting liberty of Members of Select Committee		438	312

See also “Bills Select Committee”.

SECRET SESSION—

Session Secret Session	Procedure laid down for—	432	309
------------------------	--------------------------	-----	-----

SPEAKER—

Debate—Catching the Speaker’s Eye—Procedure stands, irrespective of names given to Speaker beforehand	251	182
Motion Admission by Speaker at any stage	320	228—230

SPEECH—

Debate Speeches Long quotations not permissible	219	167-168
Debate Public speeches quoted in Should be laid on the Table in full	223	169-170
Debate Letters from undisclosed persons cannot be read in course of speech	224	170
Debate Speeches cannot be taken as read	235	175
Debate Speeches Long quotations from opinions circulated Not permissible	242	177
Debate Speeches—written Not to be encouraged	243	177-178
Division Speech during division irregular	271	193
Members Speeches Written Reading out of Permissible	307	221

See also “Debate”

STANDING COMMITTEES—

See “Committees”

STANDING FINANCE COMMITTEE—

Budget Supplementary Demands Full details should be supplied to the Standing Finance Committee	184	142
--	-----	-----

Decision No	Pages
----------------	-------

STANDING FINANCE COMMITTEE—*contd*

Committees Standing Finance Committee. Reference to proceedings
See also "Committees"

203 157

STATEMENTS—

Statements Discretion of Chair to allow Members to make
 Statements No discussion allowed on But questions to elicit information permitted
 Statements Statement by Leader of Party How far in order
 Statements Statement by a Minister in response to a short notice question—no questions allowed on the day statement is made

433	310
34	310
435	310-311
436	311-312

STATEMENTS LAID ON THE TABLE—

See "Questions"

SUB-JUDICE—

Adjournment Motion Matter not *sub-judice* until legal proceedings actually start
 Adjournment Motion Raising more than one subject matter, part becoming *sub judice*, debate restricted to other matters not *sub judice*
 Adjournment Motion Motion admitted but not allowed to be discussed at the appointed time as matter had become *sub-judice* by then

30	19
31	20-21
36	24

SUPPLEMENTARY GRANTS—

Budget Supplementary Demands Demand for money already spent in excess of voted grant should not be made by way of But in the form of an excess grant

183 141-142

See also "Budget Supplementary Grants"

T**TOKEN CUT—**

See "Budget Demands for Grants"

U**UNPARLIAMENTARY EXPRESSION—**

See "Debate"

	Decision No	Pages
--	----------------	-------

V

VOTE—

Vote Members not sworn in	Not entitled to take part in election	~	437	312
<i>See also "Division"</i>				
Voting Liberty of—of Members of Select Committee			438	312
Voting Personal interest			439	312-313
Voting Personal interest			440	313-315

W

WITHDRAWAL—

Withdrawal Withdrawal of amendments cannot be made while another member is speaking	443	316
Bills Withdrawal of clause Not permissible Must be put and negatived by the House	106	89-90
Withdrawal Withdrawal of resolutions Can be moved only by Mover of the Resolution	442	315-316
<i>See also "Motions" and "President of Assembly"</i>		
